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RAPID ASSESSEMENT APPLYING THE METHODOLOGY FOR ASSESSING PROCUREMENT SYSTEMS (MAPS) KYRGYZ REPUBLIC

Fiscal Accountability and Sustainable Trade
(FAST)



May 2021

This publication was produced for review by the United States Agency for International Development. It was prepared by DevTech Systems, Inc. under the Fiscal Accountability and Sustainable Trade Task Order, 7200AA18D00010/7200AA19F00015.

RAPID ASSESSMENT REPORT USING MAPS METHODOLOGY

Kyrgyz Republic

Fiscal Accountability and Sustainable Trade (FAST)

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Date of Submission:	May 2021
Date of Approval:	October 25, 2021

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ACRONYMS

CSO	Civil Society Organization
DPP	Department of Public Procurement of the Ministry of Economy and Finance
EBRD	European Bank of Reconstruction and Development
FAQ	Frequently Asked Questions
FAST	Fiscal Accountability and Sustainable Trade
GDP	Gross Domestic Product
ICC	Independent Complaints Committee
KGS	Kyrgyzstani Som
KR	Kyrgyz Republic
MAPS	Methodology for Assessing of Procurement Systems
OCDS	Open Contracting Data Standard
OECD	Organization for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
PE	Procuring Entity
PFM	Public Financial Management
PPL	Public Procurement Law of the Kyrgyz Republic
SBPP	State Body on Public Procurement
SME	Small and Medium Enterprises
SPP	Sustainable Public Procurement
TPPR	Transparent Public Procurement Rating
UNCAC	United Nations Convention Against Corruption
UNCITRAL	United Nations Commission on International Trade Law
USAID	United States Agency for International Development
USD	United States Dollar

I. EXECUTIVE SUMMARY

“Effective Public Procurement for Kyrgyzstani Taxpayers” is a task under the U.S. Agency for International Development (USAID) Fiscal Accountability and Sustainable Trade (FAST) project, which seeks to improve self-reliance of the Kyrgyz Republic by improving public procurement systems. The project seeks reforms in systems and processes to increase efficiency and transparency, reduce corruption, and enable civic engagement in the conduct of public procurement operations. One of the activities under the project is to conduct a rapid assessment based on the Methodology for Assessing Procurement Systems (MAPS),¹ a tool to assess the quality and effectiveness of public procurement systems. The objective of the rapid assessment is to identify strengths and weaknesses of the public procurement system of the Kyrgyz Republic in order to inform the workplan of the project and the broader strategic planning of the Department of Public Procurement, as well as to establish a baseline for monitoring progress.

Legal and Regulatory Framework

The legal and regulatory framework for public procurement in the Kyrgyz Republic is publicly accessible, adequately recorded, and organized hierarchically with clear precedence. There are several regulations that supplement the procurement law but are not consolidated into a single comprehensive document. There is also no official Public Procurement Manual detailing implementation procedures for procurement regulations and laws. The country has not yet adopted a Sustainable Public Procurement (SPP) Policy, and SPP considerations are not incorporated into procurement practice. More detailed and comprehensive findings relating to the legal and regulatory framework can be found in Section 4.I and in Appendix I.

Institutional Framework and Management Capacity

The procurement planning process is guided by the e-portal; it is not possible to proceed with solicitation unless a procurement plan is in place and funds are available. However, commitment of budget funds for planned procurement in the Financial Management Information System is a manual process, as is feedback on budget execution.

The public procurement normative and regulatory function is assigned to the Department of Public Procurement (DPP), part of the Ministry of Economy and Finance. It is an independent legal entity led by a director appointed by the Prime Minister. Generally, the role and functions of the DPP reflect those defined in MAPS, although supporting the professionalization of public procurement is not included in its mandate. Staffing of the DPP is established by government resolution, and the current staffing level is inadequate for its responsibilities. The institutional arrangements, duties and responsibilities, and accountabilities of procuring entities are clearly defined. However, the country has not taken advantage of the opportunities afforded by implementing centralized procurement arrangements, although there are plans to undertake such initiatives.

¹ A full description can be found on the MAPS website, <https://www.mapsinitiative.org/>

Public procurement is conducted in the e-portal, and the information therein is accessible in real time and at no cost. The information on the e-portal relates to all stages of the procurement cycle except as relating to contracts, contract amendments, completion reports, and payments; information on these categories is not published. The DPP has largely been dependent on the support from development partners to implement improvements and upgrades to the system. The level of training on public procurement is basic and inadequate to ensure that responsible staff in procuring entities have appropriate knowledge, skills, and competencies. There is no strategy to develop the capacity of those involved in public procurement, and there is no defined career path for those working in public procurement. More detailed and comprehensive findings relating to the institutional framework and management capacity can be found in Section 4.2 and in Appendix I.

Procurement Operations and Market Practices

The conduct of the procurement process is driven by the functionality of the e-portal, which ensures a standardized and transparent process with appropriate confidentiality where required. There may be individual procuring entities that apply more strategic approaches to planning and evaluation, but this is not the general practice. It was not possible to assess contract management practices in general, as contract management is not currently included in the e-portal.

Many suppliers are reluctant to participate in public procurement, reportedly due to perceptions of long, complex bidding processes (particularly for low-value procurements), bid-rigging, and especially issues with delayed payment. Almost all existing forums for discussion between the supplier community and government bodies have been on hold due to COVID-19 restrictions. There are few affordable capacity building opportunities for suppliers on participating in public procurement.

More detailed and comprehensive findings relating to procurement operations and market practices can be found in Section 4.3 and in Appendix I.

Accountability, Integrity, and Transparency

Dialogue occurs between state bodies, including the DPP, and other stakeholders on issues relative to transparency, and there is evidence that input from stakeholders is considered when developing the public procurement system.

However, audit and control mechanisms do not have a strong focus on oversight of procurement, and evidence suggests that many state bodies are not complying with their internal control and audit obligations. While the use of e-procurement provides improved opportunities to conduct risk-based procurement audits, these have not been implemented due to problems with software and a lack of resources. In the meantime, traditional paper-based audit methods have become redundant, leaving a vacuum. In sum, internal and external controls relating to procurement are unreliable and pose a significant risk to the integrity of the public procurement system.

Suppliers and other stakeholders find it easy to submit complaints in a transparent way through the e-portal. The downside, however, is that this results in a large number of complaints being submitted. Most complaints are dealt with within established time frames. It is a one-tier process, with dealt with by the Independent Complaints Commission (ICC) without prior review by the procuring entity. Decisions of the ICC are final; however, the body frequently review appeals of its own decisions, which is both

illegal and a conflict of interest. The membership of the ICC is composed of legal professionals, public service officials, and members of the public, but it is difficult to recruit members. Despite the significant workload involved, the role is unpaid. In spite of all these challenges, however, the complaints system is operating in a fair manner with decisions based on evidence.

While the legal framework provides protection for those reporting prohibited practices or unethical behavior, it is not clear whether there are secure channels for this reporting.

More detailed and comprehensive findings relating to accountability, integrity, and transparency can be found in Section 4.4 and in Appendix I.

2. INTRODUCTION

2.1 Assessment Context

“Effective Public Procurement for Kyrgyzstani Taxpayers” is a task under the U.S. Agency for International Development (USAID) Fiscal Accountability and Sustainable Trade (FAST), which seeks to improve self-reliance of the Kyrgyz Republic by improving public procurement systems. The project seeks reforms in systems and processes to increase efficiency and transparency, reduce corruption, and enable civic engagement in the conduct of public procurement operations.

Public procurement is a crucial component of good governance, poverty reduction, and sustainable development. Governments around the world spend approximately U.S. dollars (USD) 9.5 trillion in public contracts every year. This fact means that, on average, public procurement constitutes around 12–20 percent of a country’s gross domestic product (GDP). Therefore, the strengthening of public procurement systems is central to achieving concrete and sustainable results and to build effective institutions.

The Methodology for Assessing Procurement Systems (MAPS) was initially developed in 2003/2004 to assess and improve upon public procurement systems by providing a common tool for analyzing key aspects of a system. MAPS has been widely used to assess the quality and effectiveness of public procurement systems and, based on the strengths and weaknesses identified, to develop strategies and implement reforms. The new version of MAPS is a universal tool that aims to catalyze and accelerate the implementation of modern, efficient, sustainable, and more-inclusive public procurement systems in all countries. It takes contextual elements into account to ensure that the application of MAPS is based on a sound understanding of the context in which public procurement institutions and other stakeholders operate in a particular country.

The MAPS approach was used as a basis to conduct this assessment of the quality and performance of the public procurement system in the Kyrgyz Republic. The assessment was conducted in parallel with a comparison of the country’s Public Procurement Law (PPL) with the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Public Procurement, and an assessment of the legal and regulatory framework of the Kyrgyz Republic using the Transparent Public Procurement Rating (TPPR).

2.2 Objectives

The objectives of conducting an assessment based on the MAPS approach together with the UNCITRAL comparison and the TPPR assessment are to:

- a. Identify strengths and weaknesses of the existing public procurement system of the Kyrgyz Republic;
- b. Inform the workplan for the FAST Task 6 Project, as well as the broader future strategic planning of the Ministry of Economy and Finance Department of Public Procurement (DPP); and
- c. Establish a baseline for monitoring progress.

2.3 Activities of MAPS Rapid Assessment

The FAST Task 6 Project Team conducted the assessment in close cooperation with the DPP. It included the following activities:

- a. Conducting an analysis of the country context
- b. Conducting the assessment of the public procurement system
 - Develop the data collection guide;
 - Collect data;
 - Apply the MAPS Indicators using a five-step approach:
 - i. Review of the system applying assessment criteria expressed in qualitative terms
 - ii. Review of the system applying the defined set of quantitative indicators
 - iii. Preparation of a narrative report providing detailed information related to this comparison (actual situation vs. assessment criteria)
 - iv. Analysis and determination of substantive or material gaps (gap analysis)
 - v. Identify sub-indicators that exhibit a “substantive gap” and develop recommendations to address these gaps
- c. Preparation of the draft Assessment Report
- d. Validation of the findings with key stakeholders
- e. Finalization of the Assessment Report

The assessment included the review of a sample of procurement cases representing different types of methods, type of requirement, complexity, procuring entity, and other factors using available data on the e-portal. Additional information in a sample of files was kindly provided by three procuring entities (PEs): the Ministry of Health, the Ministry of Education, and the National Energy Holding.

2.4 Roles and Working Arrangements

The assessment was carried out by the FAST Task 6 Project Team supported by the DPP and in close cooperation with the Director of the DPP and the USAID Activity Manager. Due to restrictions in place due to COVID-19, the assessment was conducted remotely.

2.5 Validation and Communication of Assessment Results

The MAPS methodology provides an option to undergo a MAPS quality review process. The MAPS quality assurance mechanism involves a review of compliance of the assessment process and assessment report with the MAPS methodology and the quality review of assessment results by the MAPS Independent Secretariat. This quality review process includes the mobilization of an external international MAPS Technical Advisory Group. While the MAPS assessment was conducted in full compliance with the quality requirements of the MAPS methodology, the specific focus of the objectives of the assessment would not justify using project resources (in terms of timeframe or manpower) to unleash this formal process.

3. ANALYSIS OF COUNTRY CONTEXT

3.1 Political, Economic, and Geostrategic Situation of the Country

The Kyrgyz Republic is a landlocked mountainous country in Central Asia with a multi-ethnic population of about 6.6 million and a GDP of USD 8.45 billion; in 2019, it had a per capital GDP of USD 1,116.40. The GDP annual growth rate in the Kyrgyz Republic averaged 3.06 percent from 1994 until 2020, reaching an all-time high of 16.40 percent in the first quarter of 2010 and a record low of -20.08 percent in the fourth quarter of 1994. While relatively stable, the economic growth rate remains insufficient to improve the welfare of the population. Generally, between 2013 and 2018, the proportion of the population living below the national poverty line decreased from 37.0 to 22.4 percent, and the extreme poverty level fell from 2.8 to 0.6 percent. The share of the population living below the international poverty line, with an income below USD 1.9 per day (at purchasing power parity), was fairly small (0.28 percent in 2018). A significant reduction in poverty over the past six years has occurred, due to a large extent to a decrease in rural poverty (by 17.7 percentage points), leading to a significant narrowing of the gap between urban and rural poverty.²

The economy of the Kyrgyz Republic is heavily dependent on gold exports (which account for one-tenth of the country's GDP), as well as remittances from citizens working abroad, primarily in Russia (this equates to more than a quarter of GDP). Due to deterioration in the Russian economy, these have decreased in recent years. Growth quickened in 2019 to 4.5 from 3.5 percent a year earlier, due to higher gold output—in the first half in particular—and expansionary monetary policy.

When COVID-19 struck in 2020, the economy of the Kyrgyz Republic stagnated. In response to the negative effects of the outbreak on the social and economic stability, the government developed a Priority Action Plan, which included measures to provide social support and food security and to support business entities and stabilization of the state budget. It is expected that the economy will recover in 2021.³

In the fight against corruption, the Kyrgyz Republic has adopted a State Anti-Corruption Policy. As a result, in 2018, about 3,000 cases of corruption-related law violations were identified, over 23 percent of which were related to public procurement.⁴ The country was ranked 124 out of 180 on Transparency International's Corruption Perception Index for 2020, with its score having improved by 7 points since 2012.⁵

Background

Since its independence in 1991, the Kyrgyz Republic has had some success in fostering open institutions but has struggled to embed lasting democracy and civic freedom. The Organization for Security and Co-

² Government of the Kyrgyz Republic (2020). Voluntary National Review of the Implementation of the Sustainable Development Goals in the Kyrgyz Republic 2020. Retrieved from: [26459VNR_2020_Kyrgyzstan_Report_English.pdf \(un.org\)](https://www.un.org/development/desa/secretariat/vnr/2020/Kyrgyzstan_Report_English.pdf)

³ Government of the Kyrgyz Republic, Voluntary National Review.

⁴ Government of the Kyrgyz Republic, Voluntary National Review.

⁵ Transparency International (2020). Corruption Perceptions Index. Retrieved from: <https://www.transparency.org/en/cpi/2020/index/>

operation in Europe (OSCE) missions have criticized the electoral process as having fallen short of good practice.⁶

April 2010 saw anti-government demonstrations directed at the Presidency's perceived centralization and corruption. The protests culminated in riots in Bishkek and several other cities, a violent crackdown, the removal of the President, and the formation of an interim administration headed by a coalition of opposition leaders. The Interim Government assumed the functions of the Parliament, President, and Government. In June 2010, violent clashes took place over three days, particularly in the Southern cities of Jalalabad and Osh in the Ferghana Valley.

Following the overthrow of Kurmanbek Bakiyev in April 2010, the Interim Government dissolved the Parliament and held a nation-wide referendum on a new Constitution on June 27, 2010. The newly adopted Constitution established an essentially new form of government, a parliamentary republic, with a Parliament that approves the candidacy of the Prime Minister along with the structure and composition of the Government. The National Constitutional Referendum in July 2010 and Parliamentary Elections in October 2010 were the most decisive and noticeable actions of the Interim Government. Despite these efforts, the peace and stability in the country remained fragile when the Coalition Government was formed. At the end of October 2011, the election of the Prime Minister, Almazbek Atambayev, as the next President put in place the last piece of the new political system.

The next presidential elections were held on October 15, 2017. Incumbent President Atambayev was not allowed to run again because the Constitution set a single six-year term for the head of state. Eleven candidates registered for the race, and, from this field, Sooronbay Jeenbekov of the Social Democratic Party of Kyrgyzstan won more than 50 percent of the vote, avoiding a runoff.

In the fall of 2020, an upheaval stemmed from contested parliamentary elections. In rural areas, there were widespread reports of vote-buying and irregularities.⁷ Following the October 4, 2020, parliamentary elections, mass protests broke out and President Jeenbekov issued a public statement of voluntary resignation on October 15. In accordance with the Constitution, the Central Election Commission scheduled early presidential elections for January 10, 2021. The frontrunner in the presidential election, Sadyr Japarov, won by a landslide, achieving almost 80 percent of votes. After winning the vote, Japarov said that he expected a referendum on the Constitution and that fresh parliamentary elections will take place before June. The results of a simultaneous referendum showed that voters in Kyrgyzstan strongly preferred presidential rule, which would grant Japarov sweeping powers. According to the official results, more than 80 percent of voters backed a return to presidential rule, while only 10.8 percent supported the current parliamentary system. Nearly 5 percent voted for the third option, "against all." The OSCE stressed that the election and parallel referendum on Kyrgyzstan's system of governance had both been well-run overall and had generally respected fundamental freedoms.

⁶ The World Bank (2012). World Bank Procurement Review 2012, Chapter 1, B –Kyrgyz Political System.

⁷ See Nechepurenko, Ivan (2020). Kyrgyzstan in Chaos After Protesters Seize Government Buildings. *The New York Times*, October 6, 2020, Retrieved from: <https://www.nytimes.com/2020/10/06/world/europe/kyrgyzstan-protests-election-parliament.html>

3.2 National Policy Objectives and Sustainable Development Goals

The National Development Strategy of Kyrgyzstan (2018–2040), released in November 2018, aims at fostering better economic and social development outcomes. It focuses on the systemic reforms and priority policies needed to achieve economic transformation toward more sustainable and inclusive national development. Two of these pathways, competitiveness and the public sector as a champion of change, are linked with public procurement reform.⁸

The Kyrgyz Republic is committed to the implementation of the 2020 Agenda for Sustainable Development. The Sustainable Development Goals have been included in public policies and are reflected in the National Development Strategy. To achieve the Sustainable Development Goals by 2030, the Kyrgyz Republic has prioritized a people-centered policy framework. To this end, national plans have been implemented to ensure guarantees for legal and judicial protection of human and civil rights and freedoms, reduce inequalities, eradicate poverty, mitigate the impacts of climate change, address disaster risk reduction, invest in human development, build skills and knowledge for all segments of society, create productive jobs and healthy lives, and to promote gender equality.⁹

3.3 The Public Procurement System and its Links with the Public Finance Management and Public Governance Systems

The volume of public procurement in the Kyrgyz Republic for 2020 was Kyrgyzstani som (KGS) 48.2 billion. This represents 8.2 percent of GDP. The PPL was first developed in 1997 on the basis of the 1994 UNCITRAL Model Law. A major revision in 2015 resulted in the basis of the PPL in its current form. However, eight revisions to the PPL have taken place between 2016 and 2020, where many articles have been added, modified, or eliminated.

The normative and regulatory procurement function is performed by the DPP under the Ministry of Economy and Finance, as the authorized state body on public procurement (SBPP). The main functions of the SBPP are defined in the Public Procurement Law.

The procurement function is fully decentralized, and there are more than 4,000 procuring entities (PEs). The law states that each PE shall designate responsibility to a procurement department, the responsibilities of which are also specified. All members of the procurement department must have a procurement certificate, which is achieved after completing a five-day course. Ad hoc tender committees are appointed for each tender.

The PPL established an Independent Complaints Committee (ICC) to review complaints, protests, inquiries, and appeals. The ICC makes decisions within the framework of the public procurement legislation and regulatory norms on public procurement.

⁸ Government of the Kyrgyz Republic (2018). National Development Strategy of the Kyrgyz Republic for 2018–2040. Retrieved from: <https://policy.thinkbluedata.com/sites/default/files/National%20Development%20Strategy%20of%20the%20Kyrgyz%20Republic%20for%202018-2040%20%28EN%29.pdf>

⁹ Government of the Kyrgyz Republic, Voluntary National Review.

The Kyrgyz government procurement e-portal, zakupki.gov.kg, was developed and implemented in 2015. Since then, it has been updated in a number of areas. All public procurement is conducted within the e-portal.

4. ASSESSMENT OF THE PROCUREMENT SYSTEM

A matrix including a detailed analysis by MAPS sub-indicator is attached as Appendix I. This information is summarized in the following sections.

4.1 Pillar I - Legal, Regulatory, and Policy Framework

Pillar I assesses the existing legal, regulatory, and policy framework for public procurement. It identifies the formal rules and procedures governing public procurement and evaluates how they compare to international standards. The practical implementation and operation of this framework is the subject of Pillars II and III. The indicators within Pillar I embrace recent developments and innovations that have been increasingly employed to make public procurement more efficient. Pillar I also consider international obligations and national policy objectives, to ensure that public procurement lives up to its important strategic role and contributes to sustainability.

INDICATOR 1. THE PUBLIC PROCUREMENT LEGAL FRAMEWORK ACHIEVES THE AGREED PRINCIPLES AND COMPLIES WITH APPLICABLE OBLIGATIONS

This indicator covers the different legal and regulatory instruments established at varying levels, from the highest level (national law, act, regulation, decree, etc.) to detailed regulation, procedures, and bidding documents formally in use.

Findings

Overall, the legal and regulatory framework is adequately recorded, has an organized hierarchy with clear precedence, and is publicly accessible. However, in terms of coverage, there are a number of categories of public-funded procurement that are not covered by the PPL.

The procurement methods, and their conditions of use, are established in the law, with five possible methods for goods, works, and services (with the exception of consulting services), and five possible methods for consulting services. These methods provide a range of options to accommodate the balance of risk, competition, and administrative cost. Various amendments to the PPL, however, have changed the fundamental nature of some of the methods, including their application and process, as well as removing the hierarchy that was intended when the law was first prepared. In particular, the applicability of the Direct Contracting method has been greatly expanded, making it the most-used method in terms of procurement cases. Despite its name, it is not a single-source method, but rather a form of restricted tendering. As such, it includes a level of complexity that is not proportionate to some of the circumstances to which it is applied, such as low-value procurement or truly exceptional circumstances where single sourcing would normally be justified. In addition, having ten available procurement methods without clear procedures or a decision tree relating to their application brings a level of complexity to decision-making on appropriate method that may not be justified. As is captured under Indicator 9, selection of an incorrect procurement method is the most common violation detected in monitoring activities. Fractioning is not specifically prohibited in the PPL.

In terms of advertising and participation, the legal and regulatory framework meets the standards defined in MAPS.

The legal framework fails to require the use of neutral specifications, providing for the use of functional specifications where appropriate and requiring recognition of standards that are equivalent when neutral specifications are not available. There are also issues relating to the provisions of the legal framework regarding the objectivity and transparency of evaluation and award criteria. While it is mandated that bidding documents shall contain a description of the evaluation criteria and that only these may be used to evaluate bids, it does not mandate that they should be objective or relevant to the subject matter of the contract. There are no provisions to allow the use of value for money evaluation criteria such as sustainability of life-cycle cost. There is no option to give a higher weight to quality when evaluating proposals for consulting services, the way evaluation criteria are combined, or how their relative weight should be defined in the procurement documents.

The time for clarification of bids/proposals is limited only to five days before the deadline for submission, while the procuring entity needs to respond within three calendar days. This does not provide suppliers with a reasonable time to react to clarifications and creates a risk of delaying the process in case the procurement documents need to be amended as a result of a request for clarification. Provisions for submission, receipt, and opening of tenders are in accordance with the standards of MAPS, as are provisions relating to the right to challenge and appeal.

There are significant gaps, however, relating to provisions for contract management, in particular the functions for undertaking contract management are not defined and the responsibilities are not clearly assigned. Article 55 (“Disputes under the contract”) prescribes the way of resolving contractual disputes by applying to court; it does not include the option of arbitration to provide an efficient and fair process.

While the legal framework does include provisions for record-keeping, it does not establish security protocols to protect them.

The law “On public-private partnership” (July 22, 2019 No. 95) deviates from public procurement principles and does not include concessions (1)(b).

Substantive gaps include “red flags” / risk classification (low/medium/high)

- There are a number of categories of public-funded procurement not covered by the public procurement legal framework. (low)
- Various amendments to the PPL have changed the fundamental nature of some of the procurement methods, including their application and process, as well as removing the hierarchy that was intended when the Law was first prepared. (high)
- The high number of available procurement methods (10), without clear procedures as to application (such as a decision tree), means decisions about which method to apply are unnecessarily complex. This results in incorrect methods being applied. (high)
- There is a tendency to apply non-competitive methods to more and more circumstances, and the complexity of some methods is not proportionate to their application. (high)
- There is a risk of fractioning. (medium)
- The legal framework does not require the use of neutral specifications, citing international norms when possible and providing for the use of functional specifications where appropriate; it

also does not require recognition of standards that are equivalent when neutral specifications are not available. (high)

- The time for clarification of bids/proposals is limited to only five days before the deadline for submission of bids/proposals, while the procuring entity should respond within calendar days; this does not provide suppliers with a reasonable time to react to such clarifications and creates a risk of delaying the process in case the procurement documents need to be amended as a result of a request for clarification. (high)
- It is not mandated that evaluation criteria are objective and relevant to the subject matter of the contract. (medium)
- The legal framework does not allow the use of evaluation and award criteria other than price and quality, such as sustainability criteria or life-cycle costs. (medium)
- There is no option to give a higher weight to quality when evaluating proposals for consulting services. (medium)
- For consulting services, the legal framework does not mandate that the way evaluation criteria are combined, and their relative weight should be clearly defined in the procurement documents. (high)
- Functions for contract management are not defined and responsibilities are not assigned. (high)
- While disputes arising from the procurement process may be appealed to arbitration or the court of general jurisdiction (Article 50), the option of arbitration is not included for disputes relating to contract performance; since arbitration is an efficient and fair way to resolve disputes, this would constitute a gap. (medium)
- The legal framework does not establish security protocols to protect records. (high)
- There are deviations between the Law on Public-Private Partnership and the PPL, and the Law on Public-Private Partnership does not include concessions. (medium)

Recommendations

- Remove all exceptions to the coverage of application of the procurement law. Issues relating to state secrets should be covered by adding an article relating to confidentiality (see the UNCITRAL Model Law).
- Conduct a study of all the methods included in the PPL and their provisions, as well as of their application in practice, and consider revising the range of methods included in the law.
- Reform the direct contracting method so that it is no longer used to bypass open competition. This can be done through: (1) introducing a single-source procurement method reflecting the single-source method in the UNCITRAL Model Law for use in very limited exceptional circumstances; (2) introducing a restricted tendering method, reflecting the provisions in UNCITRAL for that method; and (3) enforcing the use of the simplified acquisition method for low-value routine procurement.
- Reinstate part 4 of Article 2 of the PPL prohibiting fractioning.
- Include an article in the law regarding the rules of description of the subject matter of the procurement, which includes the requirement that neutral specifications are used and provides for the use of functional specifications where appropriate; this should additionally require recognitions of standards that are equivalent when neutral specifications are not available.
- Amend the period for clarifications of the procurement document to start from the date of publication until five days before the submission deadline.
- Revise Article 14 part 6 to mandate that evaluation criteria be objective and relevant.

- Update the law to include appropriate techniques to determine best value for money such as non-price criteria (sustainability) or life-cycle costs.
- Include the option to give a higher weight to quality when evaluating proposals for consulting services by specifying that the total score shall be obtained by weighting the quality and cost scores and adding them, with the weight for the “cost” taking into account the complexity of the assignment and the relative importance of quality.
- Update Article 41 to mandate that the way evaluation criteria are combined, their relative weight should be clearly defined in the procurement documents.
- Include the functions for contract management and assign responsibilities in the legal framework.
- Include in part 3 of Article 55 a provision on applying to arbitration before the option of applying to Court of Law. Include a standard clause in contracts: “All disputes arising out of or in connection with the present contract shall be finally settled under the Rules of Arbitration of the International Chamber of Commerce by one or more arbitrators appointed in accordance with the said Rules.”
- Update regulation on the rules for electronic public procurement to include security protocols for the protection of records.
- Correct the deviations between the Law on Public-Private Partnership and the PPL and add a provision on concessions.

INDICATOR 2. IMPLEMENTING REGULATIONS AND TOOLS TO SUPPORT THE LEGAL FRAMEWORK

This indicator verifies the existence, availability, and quality of implementing regulations, operational procedures, handbooks, model procurement documentation, and standard conditions of contract. Ideally, the higher-level legislation provides the framework of principles and policies that govern public procurement. Lower-level regulations and more detailed instruments supplement the law, make it operational, and indicate how to apply the law to specific circumstances.

Findings

There are a number of regulations that supplement various aspects of the procurement law. However, the regulations have not been kept up to date in line with the various amendments to the procurement law. The regulations are published on the e-portal, but these are mixed with laws and government resolutions. There is no consolidated set of regulations. The PPL establishes responsibility for drafting regulations with the Public Procurement Authority, which regularly drafts new regulations and updates existing regulations as required.

There are model procurement documents for some, but not all, procurement methods. In practice, with the implementation of the e-portal, these documents have been replaced with the standardized electronic-bid functionality therein. The PPL also establishes the minimum content of bidding documents. While the preparation and updating of model procurement documents is not specifically mentioned as a responsibility of the DPP, it is assigned with responsibility for procurement order and procedures and the administration of the public procurement e-portal, which *de facto* includes maintenance of the model documents.

Bid documents are standardized through e-portal functionality and include standard and mandatory clauses. The standard bidding documents are required to include draft contracts with standard contract conditions; however, in practice, they are often not included.

There is no official comprehensive Public Procurement Manual detailing all procedures for the correct implementation of procurement regulations and laws. While the PPL stipulates that responsibility for drafting procedures lies with the Public Procurement Authority, no documentation has been prepared.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- The various regulations have not been kept up to date in line with the various amendments to the procurement law. (high)
- There is no consolidated set of regulations. (medium)
- Despite being required, in practice sample contracts are often not included in bid documents. (high)
- There is no official, comprehensive Public Procurement Manual detailing all procedures for the correct implementation of procurement regulations and laws. (high)

Recommendations

- Review all the regulations and update in accordance with the amendments to the PPL.
- Develop comprehensive and consolidated regulations in a single document.
- Develop functionality to make it impossible to publish bid documents without the attached sample contract.
- Develop a unified, official, comprehensive Public Procurement Manual detailing all procedures for the correct implementation of procurement regulations and laws.

INDICATOR 3. THE LEGAL AND POLICY FRAMEWORKS SUPPORT THE SUSTAINABLE DEVELOPMENT OF THE COUNTRY AND THE IMPLEMENTATION OF INTERNATIONAL OBLIGATIONS

This indicator assesses whether horizontal policy objectives, such as goals of increased sustainability, support for certain groups in society, and obligations deriving from international agreements, are consistently and coherently reflected in the legal framework—whether the legal framework is coherent with the higher policy objectives of the country.

Findings

The country has not yet adopted a Sustainable Public Procurement (SPP) policy. Social, economic, and environmental aspects are not clearly addressed in any legal or policy document. SPP considerations—such as the use of life cycle costing principles in evaluation or incorporation of environmental, social, health, and safety standards—are not properly and systematically applied for complex procurement, either as part of the procuring entity’s requirements or a factor in evaluation of responsiveness of the bids. Though the legal and regulatory framework does not make reference to Sustainable Public Procurement, the legislation of the country does not prohibit the introduction of additional economic, environmental, and social criteria in bidding documents (3(a)(c)).

Public procurement-related obligations deriving from binding international agreements are not clearly established in the law, although there are a couple of references to the issue in the PPL, namely for projects financed in whole or in part by international organizations (Article 2, part 5) and in relation to suppliers (contractors) of the member-states of the Eurasian Economic Union (Article 4, part 6).

Substantive gaps include “red flags” / risk classification (low/medium/high)

- The country has no policy/strategy in place to implement SPP in support of broader national policy objectives. (low)
- Public procurement-related obligations deriving from binding international agreements are not clearly established in the law. (high)

Recommendations

- Develop a policy/strategy for SPP based upon national policy objectives.
- Include an article in the PPL that states that if an international agreement establishes other rules than those set forth in the law or regulations for procurement, the rules of the international agreement take precedence.

4.2 Pillar II - Institutional Framework and Management Capacity

Pillar II assesses how the procurement system defined by the legal and regulatory framework in a country is operating in practice, through the institutions and management systems that make up overall governance in its public sector.

Pillar II evaluates how effective the procurement system is in discharging the obligations prescribed in the law, without gaps or overlaps. It assesses: 1) whether it is adequately linked with the country's public finance management system; 2) whether institutions are in place in charge of necessary functions; and 3) whether the managerial and technical capacities are adequate to undertake efficient and transparent public procurement processes.

INDICATOR 4. THE PUBLIC PROCUREMENT SYSTEM IS MAINSTREAMED AND WELL INTEGRATED WITH THE PUBLIC FINANCIAL MANAGEMENT SYSTEM

This indicator focuses on how well integrated the procurement system is with the public financial management system, given the direct interaction between procurement and financial management, from budget preparation to planning treasury operations for payments.

Findings

PEs are required to prepare procurement plans lasting at least one year within one month of approval of the annual budget. Without the procurement plan being prepared in the e-portal, a procuring entity is not able to conduct procurement; funds must be available in the Financial Management Information System before solicitations can proceed. The e-portal supports multi-year planning, which can track the cost of multiple years. Budget funds are committed based on the procurement plans. However, the process of entering the budget information from procurement plans into the Financial Management Information System is a manual one. Likewise, the feedback mechanism for reporting on budget execution is manual. There is no automatic link back to the Financial Management Information System on contract completion. Reportedly, invoices are frequently paid late, although it was not possible to obtain concrete data on this.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- Budget funds are committed based on procurement plans. However, this is a manual process with the potential for delays in the process. (medium)
- The feedback mechanism for reporting on budget execution is a manual process with the potential for delays in the process. (medium)
- Reportedly, invoices are often paid late. (medium)

Recommendations

- Integrate the planning module of the e-portal with the government’s Financial Management Information System to facilitate commitment of budget funds based on procurement plans and reporting on budget execution based on contract implementation and completion.
- Include functionality to monitor invoice payment in the contract management module that is to be developed.

INDICATOR 5. THE COUNTRY HAS AN INSTITUTION IN CHARGE OF THE NORMATIVE/REGULATORY FUNCTION

This indicator refers to the normative/regulatory function in the public sector and its proper discharge and co-ordination. The assessment of the indicator focuses on the existence, independence, and effectiveness of these functions and the degree of coordination between responsible organizations. Depending on the institutional set-up chosen by a country, one institution may be in charge of all normative and regulatory functions. In other contexts, key functions may have been assigned to several agencies; e.g., one institution might be responsible for policy while another might be in charge of training or statistics. As a general rule, the normative/regulatory function should be clearly assigned, without gaps and overlaps. Too much fragmentation should be avoided, and the function should be performed as a well-coordinated joint effort.

Findings

The PPL defines the functions of the Public Procurement Authority and the DPP established by a regulation to perform this role, which defines its goals objectives, functions, rights, and organization. The functions reflect those defined in sub-indicator 5(b), with the exception of training and professionalization. In practice, the development of training materials and provision of training to PEs is not provided by the DPP, but by the Training Centre of the Ministry of Economy and Finance. Supporting professionalization of the procurement function is not included as a function of the DPP or any other agency. The DPP must not be part of tender committees, except in cases where DPP procures for its own need thus avoiding conflict of interest.

The DPP is an independent legal entity, headed by a director who is appointed by the Prime Minister. Its budget is provided through the national budget and, according to an amendment to the PPL in 2019, it is able to acquire additional funds through subscriptions to the e-portal, the e-catalogue, and/or from the submission of complaints. The staffing of the DPP is established by government resolution as a maximum of 20 posts, plus the Director and Deputy Director. Only 16 of the staff have directly operational functions (the remainder being managerial or administrative), which is inadequate. With a staff of six, the Coordination and Regulation Department was expected to provide advice to the more than 4,000 PEs and monitor more than 86,000 transactions (2020). The Legal Department, with a staff of four, is

responsible for drafting laws, regulations, and procedures and for providing legal advice relating to procurement operations. The Complaints and Penalties Department, with a staff of three, should provide support to the ICC, which annually receives close to 3,000 complaints. With three posts, the Analysis and Innovation Department is responsible for development and maintenance of the e-portal and other applications such as the e-catalog and the database of suppliers.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- The provision of tools and documents, including programs to support training and capacity development of the staff responsible for implementing procurement, is not specifically assigned to any agency, although in practice, this function is performed by the Training Centre of the Ministry of Economy and Finance. (low)
- Supporting the professionalization of the procurement function (e.g., development of role descriptions, competency profiles, and accreditation and certification schemes for the profession) is not included as a function of the DPP or any other agency. (medium)
- The current staffing level of DPP, which is set in 2014, is inconsistent with its responsibilities. (high)

Recommendations

- Include integrity training in programs, provided by the Ministry of Economy and Finance Training Centre to support training and capacity development of the staff responsible for implementing procurement.
- Revise the responsibilities of the DPP to include supporting the professionalization of the procurement function (e.g., development of role descriptions, competency profiles, and accreditation and certification schemes for the profession).
- Conduct a more detailed institutional analysis of the DPP and prepare recommendations on staffing levels and functions.

INDICATOR 6. PROCURING ENTITIES AND THEIR MANDATES ARE CLEARLY DEFINED

This indicator assesses: 1) whether the legal and regulatory framework clearly defines the institutions that have procurement responsibilities and authorities; 2) whether there are provisions for delegating authorities to procurement staff and other government officials to exercise responsibilities in the procurement process; and 3) whether a centralized procuring entity exists.

Findings

The PPL clearly defines PEs (4,059 at this writing), which include state authorities, local government authorities, other budgetary organizations (public and municipal organizations and enterprises, government majority-owned enterprises), and other defined entities. The PPL also covers the duties and responsibilities of the PEs. There are 20 clauses that define the duties and responsibilities of the PE, covering all of the steps in the procurement process. Each PE has the full authority to carry out all of the steps in the procurement process, make awards, and issue contracts. In addition, the responsibilities of the Tender Committee of the PE are defined in nine clauses.

All PEs are required to vest responsibility in a specific department (the DPP), and the law requires that all staff of the department be certified. Accountability for decisions is clearly defined.

While the PPL includes provisions for decentralized procurement to undertake consolidated procurement, framework agreements, and/or specialized procurement, and a module for this purpose has been developed on the e-portal to support it, so far centralized procurement has not been widely implemented. However, the DPP has plans to implement various initiatives in this direction in the near future.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- While there is a framework in place to support centralized procurement arrangements, it has not yet been implemented in practice. (medium)

Recommendations

- Conduct a study of international best practices relating to centralized procurement and prepare practical recommendations on implementation.

INDICATOR 7. PUBLIC PROCUREMENT IS EMBEDDED IN AN EFFECTIVE INFORMATION SYSTEM

The objective of this indicator is to assess the extent to which the country or entity has systems to publish procurement information, to efficiently support the different stages of the public procurement process through application of digital technologies, and to manage data that allow for analysis of trends and performance of the entire public procurement system.

Findings

Public procurement is conducted via the e-portal, and the information therein is publicly accessible in real time and at no cost. This information conveys all stages of the procurement cycle, with the exception of information relating to contracts, contract amendments, completion reports, and payments. The e-portal uses the Open Contracting Data Standard (OCDS) for data exchange with civil society organizations (CSOs) and any other interested parties, and there is functionality in place to export standard reports in open data format or to custom build reports. Responsibility for the e-portal is clearly assigned to the DPP in the PPL. However, the DPP has largely been dependent on the support of development partners to implement improvements to the system.

Procurement staff at all PEs must attend a five-day procurement training, which includes practical training in the e-portal as a main focus area. The e-portal has an extensive frequently asked question (FAQ) section as well as a Help Desk.

Standard reports can be generated from the e-portal, and the DPP publishes a quarterly report with an analysis of procurement data for the quarter. Currently, however, the system is not being used to systematically analyze trends, levels of participation, efficiency and economy of procurement, and compliance with requirements, except for spot checks.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- It is not possible to fully monitor procurement outcomes, results, and performance due to the lack of published information relating to contract implementation. (high)
- Information relating to contract implementation is not published; however, plans are underway to develop this capability in the system. (high)

- Contract documents are not published. (high)
- The DPP does not have sufficient resources to implement required improvements to the e-portal without the support of external development partners. (medium)
- Custom-designed reports for specific use by the public, CSOs, and other interested entities cannot be easily generated. (medium)
- The full procurement cycle is not currently reflected in the e-portal, which sets some limitations on data monitoring and analysis. Beyond spot checks on compliance, there is no systematic monitoring of data related to procurement performance and compliance.

Recommendations

- Implement a contract management module in the e-portal.
- Develop a road map for the development of the e-portal and include sustainability issues in the plan.
- Expand the reporting function in the e-portal to include the facility to design and generate reports for specific requirements.
- Conduct a study on international best practices related to data analysis for procurement performance and compliance monitoring and develop recommendations for implementation.

INDICATOR 8. THE PUBLIC PROCUREMENT SYSTEM HAS A STRONG CAPACITY TO DEVELOP AND IMPROVE

This indicator focuses on the ability of the public procurement systems to develop and improve. Three aspects should be considered: 1) whether strategies and programs are in place to develop the capacity of procurement staff and other key actors involved in public procurement; 2) whether procurement is recognized as a profession in the country's public service; and 3) whether systems have been established and are used to evaluate the outcomes of procurement operations and develop strategic plans to continuously improve the public procurement system.

Findings

The Training Center within the Ministry of Economy and Finance offers short-term courses for procurement staff:

- One-day course on updates to the procurement law
- Two-day course on medical procurement
- Five-day training for procurement specialists
- Nine-day course on advanced procurement training

The five-day training for procurement specialists is compulsory for procurement specialists in PEs. The course content is introductory and is focused on the legislation and the e-portal. Participants must pass a test at the end; the pass rate is approximately 80 percent. In 2019, this course was attended by 1,991 participants. The nine-day advanced course was attended by only 87 people in 2019. The Training Centre also hosts several online training courses. However, these were developed in 2016 and are already outdated, with virtually no users. There is also an association that delivers procurement training, but the test has to be taken at the training center. There is a master's program in procurement at the Kyrgyz State Technical University, but it is not focused on the public sector. Overall, the provision of

training programs is inadequate, with most procurement practitioners having only attended the introductory course.

There is no evidence that there is routine and periodic adjustment to training. The training materials have been developed by external partners, and the Ministry of Economy and Finance's Training Centre reported that they lack resources. In 2020, responding to the COVID-19 situation, they conducted special one-day courses on medical procurement. They would reportedly like to introduce more distance learning as well as update the existing online courses but lack the resources to do so.

The training center conducted a one-day training course for suppliers in 2019 with 93 participants; the five-day basic course was attended by 267 participants from various stakeholder groups, including employees of small and medium enterprises (SMEs). Auditors have also been trained in the five-day basic course. However, this training is *ad hoc* and not part of a well-integrated strategy.

Insofar as the PPL stipulates that each PE must have a designated procurement department with a procurement specialist, procurement is recognized as a specific function. However, there are no requirements for a procurement specialist other than having passed the basic five-day training. There is no defined career path for procurement, with job descriptions at different levels and requisite qualifications and competencies specified.

The country has not established or applied a performance-management system to review the performance of the public procurement system quantitatively and qualitatively beyond compliance spot checks. It does, however, have a strategic plan for procurement. The current strategic plan is entitled "By order of the Ministry of Economy and Finance of the Kyrgyz Republic dated February 1, 2018, No. 15-P, the Program for Improving and Increasing the Efficiency of Public Procurement of the Kyrgyz Republic for 2018–2022." Most of the activities in the action plan, however, have been or are currently being implemented. It is the intention of the DPP to develop a new strategic plan during 2021 for the next period.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- The level of procurement training is very basic and inadequate to ensure procurement staff have appropriate knowledge, skills, and competencies. (high)
- There is a lack of resources to routinely evaluate and adjust training programs. The existing online courses are outdated. (medium).
- There is no overall strategy for developing the capacity of key actors involved in public procurement. (high)
- There is no defined career path for procurement with job descriptions at different levels and requisite qualifications and competencies specified. (medium)
- There is no performance-measurement system that consistently measures the public procurement system on both quantitative and qualitative aspects. (medium)

Recommendations

- Short-term: Analyze the reasons for the low number of individuals proceeding to the advanced training and develop and implement recommendations to ensure that procurement specialists also attend the advanced training.

- Conduct a training needs analysis and prepare and implement a strategy for professional development of procurement specialists and other stakeholders involved in public procurement.
- Include the issue of comprehensive training materials as part of a strategy for professional development of procurement specialists, and other stakeholders involved in public procurement.
- Update the online training courses.
- Include in the strategy for professional development a defined career path for procurement, with job descriptions at different levels and requisite qualifications and competencies specified.
- Conduct a study of international best practices relating to performance measurement of public procurement systems and develop and implement recommendations.

4.3 Pillar III - Public Procurement Operations and Market Practices

This Pillar looks at the operational efficiency, transparency, and effectiveness of the procurement system at the level of the implementing entity responsible for managing individual procurements (the PE). In addition, it looks at the market as one means of judging the quality and effectiveness of the system in putting procurement procedures into practice. This Pillar focuses on how the procurement system in a country operates and performs in practice.

INDICATOR 9. PUBLIC PROCUREMENT PRACTICES ACHIEVE STATED OBJECTIVES.

The objective of this indicator is to collect empirical evidence on how procurement principles, rules, and procedures formulated in the legal and policy framework are implemented in practice. It focuses on procurement-related results that influence development outcomes, such as value for money, improved service delivery, trust in government, and achievement of horizontal policy objectives.

Findings

While there may be individual PEs that adopt a strategic approach to procurement planning based on needs analysis, market analysis, outcome-based requirement definitions, and using sustainability criteria, this is not the general practice. The procurement planning manual issued in 2018 is limited to the process of uploading a procurement plan to the e-portal and the PPL, which, in the absence of a procurement procedures manual, guides practice. It specifies the use of technical and performance specifications but not functional specifications.

Being conducted in the e-portal, the selection and contracting process is standardized and transparent, with appropriate confidentiality where required. However, according to the monitoring reports published by the DPP, selection of incorrect procurement methods is one of the most common violations detected. Despite the legal requirement to justify the selection of the procurement method, this information is not published in the e-portal.

The law does not allow for evaluation criteria other than price (including shipping and logistics) and quality to be used. Other techniques to determine best value for money based on criteria such as sustainability or life-cycle costs are not allowed. Contracts do not include sustainability clauses or incentive clauses.

It has not been possible to assess contract management practices in general, due to contract management not currently being included in the e-portal. However, one significant issue that was

reported is frequent late payments to suppliers, which is due to problems with funds from the national budget being available to the PEs.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- There is no evidence of a strategic approach to procurement planning based on needs analysis and market research. (low)
- There is no evidence that output/outcome-based requirement definition is regularly practiced. (low)
- There is no evidence of the use of sustainability criteria. (low)
- Justification for selection of procurement method is not published on the e-portal. Selection of incorrect method is one of the most common violations detected by monitoring activities. (high)
- The legal framework does not allow the use of evaluation and award techniques to determine best value for money, such as sustainability or life-cycle costs. (medium)
- There has thus far been no focus on sustainable public procurement. (low)
- While penalty clauses are included in contracts, incentive clauses are not. (low)
- No statistics relating to contract management are available, monitored, or measured with a view to improving practice. (medium)
- Payment of invoices is reported to be frequently delayed, due to problems with disbursement of funds to PEs from the national budget. (high)

Recommendations

- Develop training materials and conduct training on procurement strategy development, including needs analysis and market research and requirement definition using output/outcome-based (functional) specifications.
- Prepare a procurement manual that includes guidance on procurement strategy development; needs analysis and market research; requirement definition using output/outcome-based (functional) specifications; sustainable procurement; the use of appropriate techniques to determine best value for money based on evaluation; and award criteria, such as non-price criteria (quality, sustainability) or life-cycle costs.
- Require PEs to justify the selection of the method on the e-portal and investigate whether it is possible to introduce automated “red flag” detection relating to method selection.
- Review international best practices on sustainable procurement and develop and implement recommendations.
- Review international best practices on incentive clauses and develop and implement recommendation.
- Implement contract management functionality in the e-portal. Ensure that it includes reports to allow tracking of contract management.
- Explore how the contract management module to be implemented can be linked to the Financial Management Information System in order to facilitate timely payment of invoices.

INDICATOR 10. THE PUBLIC PROCUREMENT MARKET IS FULLY FUNCTIONAL

The objective of this indicator is primarily to assess the market response to public procurement solicitations. This response may be influenced by many factors, such as the general economic climate, policies to support the private sector and a good business environment, strong financial institutions, the

attractiveness of the public system as a good, reliable client, the kind of goods or services being demanded, and others.

Findings

While in 2020 the value of public procurement from domestic suppliers was KGS 17.6 billion, which represents 36.5 percent of the total procurement volume, only 4 percent of all companies registered in the Kyrgyz Republic are also registered in the e-portal. Many suppliers stated reluctance to participate in public procurement due to perceptions of long, complex bidding processes (particularly for low-value procurements), bid-rigging, and most particularly, problems with delayed payment.

While there have previously been forums for discussions between the supplier community and government bodies to discuss procurement issues, these have been on hold due to COVID-19. There are few affordable capacity building opportunities for suppliers on participating in public procurement. An online training course for suppliers and contractors that was developed in 2016 is outdated due to amendments to the legal and regulatory framework.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- There are no regular, affordable capacity building opportunities for suppliers, and the online training program is outdated. (medium)
- Many suppliers are reluctant to participate in public procurement. (high)
- There are several constraints that prevent suppliers from participating in public procurement:
 - a. Overly complex procedures for low value procurements
 - b. Perception that bids are rigged
 - c. Delays in payments (high)
- Key sectors associated with the public procurement market have not been identified, risks associated with certain sectors and opportunities to influence sector markets are not currently assessed by the government, and sector strategies are not developed. (low)

Recommendations

- Schedule regular consultations with the business community.
- Through dialogue with business associations, develop an action plan to improve perceptions and address constraints.
- When developing a strategy for centralized/collaborative procurement, consider identifying key sectors.
- Update the online training course for supplier and contractors.

4.4 Pillar IV - Accountability, Integrity, and Transparency of the Public Procurement System

Pillar IV includes four indicators that are considered necessary for a system to: 1) operate with integrity; 2) have appropriate controls that support the implementation of the system in accordance with the legal and regulatory framework; and 3) have appropriate measures in place to address the potential for corruption in the system. It also covers important aspects of the procurement system, including stakeholders such as civil society, as part of the control system. This Pillar articulates aspects of the

procurement system and governance environment to ensure they are defined and structured to contribute to integrity and transparency.

INDICATOR 1 I. TRANSPARENCY AND CIVIL SOCIETY ENGAGEMENT STRENGTHEN INTEGRITY IN PUBLIC PROCUREMENT

Civil society, in acting as a safeguard against inefficient and ineffective use of public resources, can help to make public procurement more competitive and fairer, improving contract performance and securing results. Governments are increasingly empowering the public to understand and monitor public contracting. This indicator assesses two mechanisms through which civil society can participate in the public procurement process: 1) disclosure of information; and 2) direct engagement of civil society through participation, monitoring, and oversight.

Findings

The Law of the Kyrgyz Republic “On Normative and Legal Acts” dated July 20, 2009, No. 241 establishes requirements for public discussion of draft normative and legal acts, but practice shows that the provisions are ineffective. Efforts are in progress to improve this under the umbrella of the Open Government Partnership Action Plan. Through the Open Government Partnership Forum, there is consultation and dialogue between state bodies, including the DPP, and other stakeholders on issues relating to transparency. The DPP does not otherwise proactively consult with or seek input from other stakeholders when formulating changes to the system. There is evidence, however, that the DPP actively integrates input that it receives from stakeholders when developing the public procurement system.

The DPP is not directly involved in programs to build the capacity of relevant stakeholders to understand, monitor, and improve public procurement and training (now conducted by the Ministry of Economy and Finance Training Centre for public officials and the business community only). Some civil society training is being conducted by non-governmental organizations.

Most relevant information is freely accessible to the public through the centralized e-portal zakupki.gov.kg. This includes laws, regulations, and policy documents as well as information relating to the procurement process (with the exception of confidential information protected by law). This is with the exception of documents relating to contract management, although reforms are ongoing to introduce this. Not all information in the portal is in a machine-readable format.

A recent amendment to the PPL allows for the inclusion of representatives of civil society in Tender Committees. Direct engagement of citizens in other aspects of the public procurement process is not a feature of the legal, regulatory, and policy framework.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- It is not the practice to undertake a transparent and consultative process when formulating changes to the public procurement system. (medium)
- Activities to develop the capacity of relevant stakeholders to understand, monitor, and improve public procurement are fragmented, *ad hoc*, and limited. (medium)
- Information relating to contract management is not accessible on the web portal. (high)
- Not all data on the portal is in a machine-readable format. (medium)

- The legal/regulatory/policy framework does not include provisions for the direct engagement of civil society in the procurement process. (low)

Recommendations

- Form a Transparency and Accountability Forum with representatives from civil society to meet regularly to engage and consult on planned changes and other relevant information relating to the public procurement system.
- Under the framework of the recommended Transparency and Accountability Forum (see above), implement mechanisms to develop the capacity of relevant stakeholders.
- Ensure legal reforms and portal development relating to contract management are fully implemented.
- Update portal functionality so that all information is in a machine-readable format.
- Develop and issue procedures to procuring entities on including representatives from community-based organizations in Tender Committees.
- Consider the possibility of including provisions for the government to consult the public in the planning process, e.g.: prior to large-scale or environmentally or socially sensitive procurements; and in the monitoring of performance and contract completion, such as through the application of innovative techniques like geotagging or in the context of social audits.

INDICATOR 12. THE COUNTRY HAS EFFECTIVE CONTROL AND AUDIT SYSTEMS

The objective of this indicator is to determine the quality, reliability, and timeliness of internal and external controls and equally, the effectiveness of controls. For the purpose of this indicator, “effectiveness” means the expediency and thoroughness of the implementation of auditors’ recommendations.

Findings

The audit and control framework in the Kyrgyz Republic comprise external audit under the Chamber of Accounts as the Supreme Audit Institution; an internal audit function, with an Authorized State Body for Internal Audit within the Ministry of Economy and Finance, oversight; and requirements for internal controls to be developed by each budgetary institution. However, audit and control mechanisms do not have a clear focus on oversight of procurement, including reporting on compliance, effectiveness, and efficiency of procurement operations. Overall, the evidence suggests that many state bodies are not complying with their internal control and audit obligations, including implementing audit plans and filing annual reports to the Authorized State Body. A significant number of state bodies do not have internal audit units. In these circumstances, the Authorized State Body should be conducting internal audits in these bodies, but reportedly they do not have the resources to do so. The Chamber of Accounts fares better both in implementing its audit and plan and in reporting on results and findings. However, a significant number of orders and recommendations resulting from audit findings are not implemented.

With the implementation of e-procurement, the approach to conducting procurement audits, previously conducted on paper, has changed. In theory, this provides an opportunity to be able to conduct risk-based procurement audit in an effective and efficient manner. With support from the European Bank of Reconstruction and Development (EBRD), a methodology for auditing electronic procurement was developed along with supporting software. However, it has not been implemented due to the lack of

functioning software and resources for implementation. This means that specific procurement audits are not being conducted, with the paper-based method redundant and no replacement system having been implemented.

Auditors working in the Chamber of Accounts have attended the five-day procurement certification course under the Ministry of Economy and Finance Training Centre, as well as other donor-funded trainings, however it was not possible for the assessors to determine the level of capacity relating to procurement audit.

The Chamber of Accounts has cooperation agreements in place with various law enforcement agencies and reports annually on the number of cases that have been referred to law enforcement agencies, including the number of subsequent convictions. There is, however, no regular cooperation in place between the Chamber of Accounts and the DPP.

In summary, internal and external controls relating to procurement are unreliable and pose a significant risk.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- Procurement audits under the Chamber of Accounts are sporadic and not based on periodic risk assessments and controls tailored to risk management. (high)
- The implementation of e-procurement has made the paper-based approach to procurement audit redundant, while the new approach to conducting audits in the e-procurement system have not been implemented due to lack of resources. (medium)
- There is no cooperation agreement in place between the DPP, the Chamber of Accounts and the DPP and the Authorized State Body for Internal Audit. (medium)

Recommendations

- Identify resources to implement the system for conducting procurement audits in the e-procurement system within the Chamber of Accounts.
- The DPP should establish cooperation with the Chamber of Accounts and the State Body for Internal Audit within the Ministry of Economy and Finance in order to:
 - Develop guidelines on internal control and audit mechanisms that ensure appropriate oversight of procurement;
 - Ensure reporting to management on compliance, effectiveness, and efficiency of procurement operations;
 - Ensure that procurement audits based on periodic risk assessments and controls tailored to risk management are being conducted regularly; and
 - Develop a framework under which audit findings can provide input into improvements in the procurement system.

INDICATOR 13. PROCUREMENT APPEALS MECHANISMS ARE EFFECTIVE AND EFFICIENT

Pillar I cover aspects of the appeals mechanism as it pertains to the legal framework, including creation and coverage. This particular indicator further assesses the appeals mechanisms for a range of specific issues regarding efficiency in contributing to the compliance environment in the country and the integrity of the public procurement system.

Findings

The Kyrgyz Republic has developed a system that makes it easy and transparent to submit complaints. They can be submitted directly through the e-portal, where there is a complaints “button” on most screens. The entire process is fully transparent, and anyone can see the complaints and the decisions made. This is a deliberate strategy to promote increased transparency and trust in the procurement system. However, during the assessment, representatives of the business community expressed their perception that the system is not efficient and reliable due to lack of balance in the representation of the commissioners and also due to perceived lack of motivation of commissioners.

The entire process is managed within the e-portal, which is intended to ensure that the system is effective and the costs manageable. One consequence of this—not captured by the MAPS indicators—is the large number of complaints received. In 2017, 883 complaints were received, which increased to 2,239 in 2018 when the system was introduced. It increased again to 2,828 in 2019 and looks to be at a similar level for 2020. This is comparable to countries with similar complaints systems. In Georgia, the number rose from approximately 8–12 to 1,000 per year after the system was implemented (the overall procurement volume in Georgia is lower). The large volume of complaints provides a source of valuable information on the functioning of the procurement system—in particular, in identifying problem areas. There is evidence that the DPP actively reviews complaints both in relation to problems with the procurement procedures themselves and their implementation and respecting the performance of PEs. Evidence suggests that the challenge is to manage the vast number of complaints effectively. On average, decisions on complaints are made within the time frame set by law of seven working days (6.19 days during the sample month of September 2020). This compares very favorably with international benchmarks. According to the World Bank Benchmarking 2017 review of 180 economies, the average time in practice to reach a decision on complaints is 25 days. In practice, a large number of the incoming complaints (57 percent in 2019) are rejected and not considered for review because they do not comply with submission requirements.

Sub-indicator 13(a): Overall, the process ensures fairness and due process. The system is based on a one-tier complaints process where all complaints are considered by the ICC, which has access to all relevant documentation from all parties. This process ensures a fast turnaround time for decisions, which does not unduly delay the procurement process or make it unrealistic to submit complaints. According to the law, the decisions of this body should be final and the only possibility for appealing it is to go to arbitration or court. However, in practice, the ICC frequently considers appeals of its own decisions. This is both against the law and represents a conflict of interest. It is recommended that the regulations be updated to implement a two-tier system where complaints are addressed by the PE, and only appeals are addressed by the ICC. If this process continues to be managed within the e-portal, it will not have any negative influence on the level of transparency and will also have a positive impact on the work of the ICC. According to the PPL, challenges can be submitted at any time during the procurement process, which has the potential to disrupt and delay the process. It is recommended to define time frames for submission of complaints.

Sub-indicator 13(b): The process and procedures for submitting and resolving complaints are clearly defined in the regulations and are publicly available. Moreover, a FAQ section on the e-portal provides additional guidance. The remedies that can be applied are clearly defined in the law and regulations; these are imposed by the ICC in an appropriate manner and are binding on the parties. While on average decisions on complaints are made within the seven working days defined by law, a significant

minority are not. In some cases, the decision is not communicated until after the 10-day standstill period has expired, with the risk that any remedies applied by the ICC may not be implemented and the case can only be resolved by resorting to arbitration or the court. This significantly undermines the rights of a complainant. Fees should not be charged that inhibit access by concerned parties to submission of complaints and appeals. While there is currently no fee to submit a complaint, the possibility is included in the law and introduction of a fee system is planned. The appeals/complaints body needs to be adequately resourced and staffed to fulfil its functions. By law, the ICC is composed of representatives of civil society, experts, lawyers, and certified public procurement specialists, all unpaid. Currently there are eight members, of which only two are members of the public. It is reportedly difficult to recruit qualified candidates, particularly from civil society. One reason for this is the unpaid nature of the assignment, as it requires a considerable time commitment. Moreover, allegations that ICC members have been subject to investigation by law enforcement agencies has led to a negative perception. In addition, there should be full autonomy between the complaints/appeals body and the rest of the procurements, to ensure that its decisions are free from interference or conflict of interest. It is crucial that the body is not involved in any capacity in procurement transactions or in the process leading to contract award decisions. However, in the Kyrgyz Republic, members of the ICC include certified procurement professionals, and as such are actively or potentially involved in procurement and contracting activities.

Sub-indicator 13(c): Despite issues mentioned above, the complaints and appeals system are operating in a fair manner, with decisions made based on the evidence and the legal and regulatory requirements. There is full transparency in the process with complaints, decisions, and their justifications fully accessible to the public on the e-portal.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- The ICC regularly reviews appeals on its decisions, although this not according to the law. (medium)
- Challenges can be submitted at any time during the procurement process with the risk of delaying procurement processes. (low)
- There are insufficient members of the ICC, and there is an under-representation of independent (civil society) representatives. (high)
- The membership of the ICC includes public officials who are, or are potentially, involved in the procurement and contracting process. (high)
- It is planned to introduce a fee for submitting a complaint. (medium)
- A significant minority of complaints are not resolved within the seven-working-day time limit. (low)

Recommendations

- Explore whether the process of reviewing incoming complaints for compliance with requirements can be automated.
- Introduce a first level of challenge (complaints) to the PE, prior to escalation for review by the ICC.
- The ICC should desist from reviewing appeals on its own decisions.
- Amend the timeframe for submission of challenges:
 - When relating to solicitation, pre-qualification of pre-selection, prior to the deadline for submissions; and
 - Other, during the standstill period, or entry into force of the contract.

- Review the composition and conditions of service for the ICC to:
 - Exclude members who are in any capacity involved in procurement transactions or in the process leading to contract award decisions; and
 - Ensure that there are adequate members to fulfil achievement of its functions.
- Develop a business plan for introducing fees for complaints in consultation with the business community and CSOs, to ensure that it is set at a level that does not inhibit genuine complaints.

INDICATOR 14. THE COUNTRY HAS ETHICS AND ANTI-CORRUPTION MEASURES IN PLACE

This indicator assesses 1) the nature and scope of anti-corruption provisions in the procurement system and 2) how they are implemented and managed in practice. This indicator also assesses whether the system strengthens openness and balances the interests of stakeholders and whether the private sector and civil society support the creation of a public procurement market known for its integrity.

Findings

The Kyrgyz Republic is member of the Anti-Corruption Network for Eastern Europe and Central Asia under OECD and is part of the Istanbul Anti-Corruption Action Plan Process, which supports countries in implementing reforms to assist in the implementation in the UN Convention Against Corruption (UNCAC) and other international standards and good practices. Many of the sub-indicators in Indicator 14 overlap with aspects covered within the Action Plan. In these cases, recommendations that are already included in the Action Plan have not been included here. For example, some definitions fall short of international standards, which is noted here, but no recommendations are included, as this is included in the Action Plan.

With the exception of the process for suspending/debarring suppliers, systems for enforcing laws relating to fraud, corruption, and other prohibited practices and applying sanctions are not working effectively. In some cases, it was not possible for assessors to determine application, due to the lack of publicly available information.

There are a number of state bodies involved in anti-corruption activities. There is no one body that is responsible for coordinating anti-corruption activities and providing information on these. In relation to procurement, although all procurement is conducted through the e-portal, there is no system in place to systematically identify corruption risks.

While there are only a small number of CSOs and activists that have procurement as their focus area, there is evidence that they do contribute to improved integrity in procurement. With regards to the business community, the Chamber of Commerce and Industry has initiated a “Business against corruption in Kyrgyzstan” Charter among the domestic business sector, which 21 business associations and representatives of the banking sector have joined.

While the legal framework provides protection to those reporting prohibited practices or unethical behavior, it is not clear whether there are secure channels for reporting.

There is a Code of Ethics for state and municipal employees; however, it does not specifically address those working in procurement.

Substantive gaps include “red flags” / risk classification (low/medium/high)

- While standard bidding documents include a statement that bidders should not be involved in fraud, corruption, and other prohibited practices, the law and/or regulations do not require that procurement documents to include references to prohibited behavior and there is no requirement for bidders to issue a self-declaration to this effect. (medium)
- There are no clear procedures for PEs to report allegations of fraud, corruption, and other prohibited practices to law enforcement authorities. (high)
- Channels for reporting on cases of fraud, corruption, or other prohibited practices or unethical behavior do not exist or are not known. (high)
- There is not a particular Code of Ethics for those working in procurement. (medium)

Recommendations

- Update the law and/or regulations to make it mandatory for procurement entities to include reference on fraud, corruption, and other prohibited practices, conflicts of interest and unethical behavior, and for bidders to issue a self-declaration assuring that the bidder has not engaged in any prohibited practices and has not been prosecuted or convicted of fraud, corruption, or other prohibited practices.
- Develop procedures for PEs to report allegations of fraud, corruption, and other prohibited practices to law enforcement authorities.
- The DPP should follow up with the relevant authorities to identify whether it is possible to publish statistics on procurement-related corruption legal proceedings and convictions.
- Develop training modules on integrity and ethics for procurement specialists and include them in the certification process.
- Consider establishing a secure “hotline” within DPP for reporting of procurement-related offences.
- Prepare a Code of Ethics for all involved in the procurement process, including procurement specialists and members of evaluation committees.

APPENDIX I: MAPS INDICATORS MATRIX

Pillar I. Legal, Regulatory, and Policy Framework

I. THE PUBLIC PROCUREMENT LEGAL FRAMEWORK ACHIEVES THE AGREED PRINCIPLES AND COMPLIES WITH APPLICABLE OBLIGATIONS

I(a). Scope of application and coverage of the legal and regulatory framework
The legal and regulatory body of norms complies with the following conditions:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Is adequately recorded and organized hierarchically (laws, decrees, regulations, procedures), and precedence is clearly established.	The system is adequately recorded and organized hierarchically (laws, decrees, regulations, procedures), and precedence is clearly established (http://zakupki.gov.kg)	N/A	No gap		
(b) It covers goods, works, and services, including consulting services for all procurement using public funds.	It covers goods, works and services, including consulting services for all procurement using public funds with the exception of the following categories represented in Article 2 of PPL: <ul style="list-style-type: none"> related to the protection of state secrets; carried out by the National Bank of the Kyrgyz Republic; related to the production and (or) personification of documents of state significance and special state forms; and associated with hemodialysis services for patients with chronic renal failure of the fifth stage. 	N/A	There are a number of categories of public funded procurement not covered by the public procurement legal framework.	Yes	Remove all exceptions to the coverage of application of the procurement law. Issues relating to state secrets should be covered by adding an article relating to confidentiality (see the UNCITRAL Model Law).
(c) PPPs, including concessions, are regulated.	There is a law “On public-private partnership” (July 22, 2019 No. 95).”	N/A	There is a law “On public-private partnership,” but it does not include concessions.		Include concessions in the law.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(d) Current laws, regulations and policies are published and easily accessible to the public at no cost	Current laws, regulations and policies are published and easily accessible to the public at no cost (http://zakupki.gov.kg).	N/A	No gap		

I(b). Procurement methods

The legal framework meets the following conditions:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Procurement methods are established unambiguously at an appropriate hierarchical level, along with the associated conditions under which each method may be used.	<p>Procurement methods and their conditions for use are established in the law.</p> <p>For goods works and services with the exception of consulting services, single-stage bidding is specified as the key method.</p> <p>With regards to methods for low value/low risk procurement, the simplified acquisition method has clearly originally been intended as the key method. However, a series of amendments have expanded the application and process of the direct contracting method, so that it has overtaken the simplified acquisition method as the default.</p> <p>For consulting services, a recent amendment (January 11, 2019 # 4) removed part 2 of Article 34 that stipulated that Qualification-and Cost-Based Selection (QCBS) was a default method. As such, there is no longer a clear hierarchy among the methods for Consulting Services.</p>	N/A	Various amendments to the PPL have changed the fundamental nature of some of the methods, including their application and process, as well as removing the hierarchy that was intended when the Law was first prepared.	Yes	Conduct a study of all the methods included in the PPL and their provisions, as well as of their application in practice and consider revising the range of methods included in the law.
(b) The procurement methods prescribed	There are five possible methods for goods, works and services with the exception of	N/A	The greater the number of available procurement methods, the more	Yes	See above.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

include competitive and less competitive procurement procedures and provide an appropriate range of options that ensure value for money, fairness, transparency, proportionality, and integrity.	<p>consulting services, and five possible methods for consulting services. These include competitive and less competitive procurement procedures.</p> <p>However, as noted above, the applicability of the Direct Contracting method has been expanded considerably in recent years with 23 justifications listed ranging from routine procurements under the minimum threshold, to procurement from prisons, and also including the type of exceptional circumstances that would normally justify a single source method. It is however not a single source method, but rather at type of restricted tendering. As such it also includes a level of complexity that it is not proportionate to some of the circumstance in which it is applied, such as very low value procurement or truly exceptional circumstances where single sourcing would be justified.</p>		<p>complex is the decision-making as regards the selection of the most appropriate method, so it is questionable whether it is justifiable to have so many methods.</p> <p>Recent amendments reflect a clear tendency to apply non-competitive methods to more and more circumstances. Moreover, the complexity of some methods is not proportionate to all their applications.</p>		<p>Reform the Direct Contracting method so that it is no longer used to bypass open competition. This can be done through 1) introduce a single-source procurement method reflecting the single source method in the UNCITRAL Model Law for use in very limited exceptional circumstances; 2) introduce a restricted tendering method reflecting the provisions in UNCTRAL for that method; and 3) enforce the use of the simplified acquisition method for low value routine procurement.</p>
(c) Fractioning of contracts to limit competition is prohibited.	Fractioning was previously prohibited in Part 4 of Article 2 of the PPL, but this became invalid in accordance with the KR Law No.4 dated January 11, 2019.	N/A	There is a risk of fractioning.	Yes	It is recommended to reinstate Part 4 of Article 2 of the PPL.
(d) Appropriate standards for competitive procedures are specified.	Appropriate standards for competitive procedures are specified	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

I(c). Advertising rules and time limits

The legal framework meets the following conditions:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The legal framework requires that procurement opportunities are publicly advertised, unless the restriction of procurement opportunities is explicitly justified (refer to indicator I(b)).	The legal framework requires that procurement opportunities are publicly advertised and there are no restrictions (Article 15 of PPL).	N/A	No gap		
(b) Publication of opportunities provides sufficient time, consistent with the method, nature, and complexity of procurement, for potential bidders to obtain documents and respond to the advertisement. The minimum timeframes for submission of bids/proposals are defined for each procurement method, and these timeframes are extended when international	<p>There is no differentiation of time periods for local and international bidders. By the amendment to the PPL No. 4 dated January 11, 2019, the period of bid submission for one-stage (open tendering) and two-stage methods of procurement was shortened from at least three weeks to at least two weeks (part 2 of Article 24 of PPL). For the single-stage method with two packages it is at least three weeks.</p> <p>The tendering process is conducted entirely electronically, which reduces the need for additional time for international bidders.</p>	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
competition is solicited.					
(c) Publication of open tenders is mandated in at least a newspaper of wide national circulation or on a unique Internet official site where all public procurement opportunities are posted. This should be easily accessible at no cost and should not involve other barriers (e.g., technological barriers).	Publication of all methods of procurement as well as conducting the whole procurement procedures (including direct contracting) is mandatory in the Kyrgyz Republic starting from 2014 on a unique Internet official site of the Ministry of Economy and Finance. These procedures are conducted at no cost for suppliers and contractor without any barriers (Ministry of Economy and Finance of the Kyrgyz Republic Order Bishkek June 23, 2014 No. 113-P. ORDER: "On the launch of the e-procurement portal in the Kyrgyz Republic").	N/A	No gap		
(d) The content published includes enough information to allow potential bidders to determine whether they are able to submit a bid and are interested in submitting one.	The content of published announcements is specified in the PPL (part 2 of Article 15) and includes enough information to allow potential bidders to determine whether they are able to submit a bid and are interested in submitting one.	N/A	No gap		

I(d). Rules on participation

The legal framework meets the following conditions:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) It establishes that participation of interested parties is	The PPL establishes the qualification requirements for participation that are fair and	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
fair and based on qualification and in accordance with rules on eligibility and exclusions.	based on rules of eligibility and exclusions (Article 27 of PPL).				
(b) It ensures that there are no barriers to participation in the public procurement market.	Article 27, para 4 states that the procuring entity may not establish any criteria, requirements, or procedures that discriminate among suppliers.	N/A	No gap		
(c) It details the eligibility requirements and provides for exclusions for criminal or corrupt activities, and for administrative debarment under the law, subject to due process or prohibition of commercial relations.	In terms of administrative debarment, Article 5 provides conditions for disqualification from participation in public procurement and Inclusion into database of unreliable and <i>mala fide</i> suppliers (contractors). Part 6 of Article 6 states that all bidders should abide by the basic principles of professional ethics. They should not be involved in any wrongful acts, such as corruption, fraud, collusion, and compulsion, stipulated in the Criminal Code of the Kyrgyz Republic.	N/A	No gap		
(d) It establishes rules for the participation of state-owned enterprises that promote fair competition.	The PPL does not specifically address the participation of SOEs, but does not include any provisions that gives them favorable treatment.	N/A	No gap		
(e) It details the procedures that can be used to determine a bidder's eligibility and ability to	The legal framework details the procedures that can be used to determine a bidder's eligibility and ability to perform a specific contract (part 3 of Article 27).	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
perform a specific contract.					

I(e). Procurement documentation and specifications
The legal framework meets the following conditions:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) It establishes the minimum content of the procurement documents and requires that content is relevant and sufficient for suppliers to respond to the requirement.	The legal framework establishes the minimum content of the procurement documents, but the content is not relevant and sufficient, lacking requirements, expressed in sub-indicators (b) and (c) below.	N/A		Yes	Include the missing requirements in the law.
(b) It requires the use of neutral specifications, citing international norms when possible, and provides for the use of functional specifications where appropriate.	The PPL Article 4-2 states that only goods, works, and services complying with the established national/international quality standards shall be admitted to tenders, but there are no requirements about using neutral specifications or the use of functional specifications where appropriate. These requirements are included in the Standard Bidding Documents but are not included in the law or regulations.	N/A	Though these requirements are included in the Standard Bidding Documents, such requirement are not included in the law.	Yes	Include an article in the law regarding the rules of description of the subject matter of the procurement, which includes all these requirements.
(c) It requires recognition of standards that are equivalent, when neutral specifications are not available.	This requirement is not included in the Standard Bidding Documents or the law or regulations.	N/A	This requirement is not included in the Standard Bidding Documents or the law or regulations.	Yes	Include an article in the law regarding the rules of description of the subject matter of the procurement, including standards

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
					that are equivalent, when neutral specifications are not available. Include the provision on equivalence in the SBDs.
(d) Potential bidders are allowed to request a clarification of the procurement document, and the procuring entity is required to respond in a timely fashion and communicate the clarification to all potential bidders (in writing).	In compliance with part 4 of Article 23 and part 2 of Article 42, potential bidders are allowed to request a clarification of the procurement document only during five working days before the deadline for submission of bids/proposals. Moreover, it is stipulated that the procuring entity shall respond to such a request within three calendar days and communicate this to all bidders. This is unreasonable as it does not provide bidders with timely opportunity to react.	N/A	<p>The time for clarification of bids/proposals is limited only to five days before the deadline for submission of bids/proposals, while the procuring entity should respond within three calendar days. This does not provide suppliers with a reasonable time to react to such clarifications and creates a risk of delaying the process in case the procurement documents need to be amended as a result of a request for clarification.</p> <p>It would be more reasonable to allow request for clarification from the time of publication until five days before the submission deadline.</p>	Yes	Amend the period for clarifications to start from the date of publication until five days before the submission deadline.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

I(f). Evaluation and award criteria
The legal framework mandates that:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The evaluation criteria are objective, relevant to the subject matter of the contract, and precisely specified in advance in the procurement documents, so that the award decision is made solely on the basis of the criteria stipulated in the documents.	The PPL (part 6 of Article 14) mandates that the bidding documents shall contain a description of all criteria to be used in evaluation of bids, including the weight of these criteria, which shall be expressed in money terms. Article 29 part 1 stipulates that only the procedures and criteria stipulated in the law and bidding documents may be used in the evaluation and comparison of bid. However, it does not mandate that criteria be objective/relevant.	N/A	It is not mandated that evaluation criteria are objective and relevant to the subject matter of the contract.		Revise Article 14 part 6 to mandate that criteria be objective and relevant.
(b) The use of price and non-price attributes and/or the consideration of life cycle cost is permitted as appropriate to ensure objective and value-for-money decisions.	Part 8 of Article 29 provides for the use of award criteria based on “the least evaluated cost based on the established criteria, if, in addition to the price, other evaluation criteria are also specified in the bidding documents.” The use of non-price attributes is permitted, but no guidance is provided as to how these can be applied to ensure objective and value-for-money decisions.	N/A	While the framework permits use of non-price attributes for award criteria, there is no guidance as to how to apply them to ensure objective and value-for-money decisions. This opens up the risk of abuse.		Provide guidance as to the use of non-price attributes in award criteria.
(c) Quality is a major consideration in evaluating proposals for consulting services, and clear procedures and methodologies for assessment of	Clear procedures and methodologies for assessment of technical capacity are defined in Article 44 and in the Standard Request for Proposal. Article 46, part 1 (Combined Evaluation of Technical and Financial Proposals) states: “To calculate the total score, procuring entity shall sum up the scores of consultants for their technical and financial evaluation.” Thus, it does not provide the	N/A	There is no option to give a higher weight to quality when evaluating proposals for consulting services.		Include the option to give a higher weight to quality when evaluating proposals for consulting services by specifying that the total score shall be obtained by weighting the quality and cost scores and adding

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
technical capacity are defined.	option to give a higher weight to quality when evaluating consulting services.				them, with the weight for the “cost” taking into account the complexity of the assignment and the relative importance of quality.
(d) The way evaluation criteria are combined, and their relative weight determined, should be clearly defined in the procurement documents.	<p>For goods, works and services other than consulting services, according to the PPL Article 14 part 6, the bidding documents shall contain a description of all criteria to be used in evaluation of bids, including the weight of these criteria, which shall be expressed in money terms.</p> <p>For consulting services, according to the PPL Article 41, the information for consultants shall include a detailed description of the selection procedure including listing of the technical evaluation criteria, detailed description of financial evaluation, minimum score points for quality.</p> <p>According to the PPL Article 44: The procuring entity shall evaluate the responsiveness of each proposal to the qualification requirements and terms of reference. The tender committee shall evaluate bids, verify compliance with qualification requirements and the terms of reference, and give the corresponding score. Proposals shall be rejected if the proposal fails to receive the minimum score. According to the PPL Article 46, to calculate the total score, the procuring entity shall sum up the scores of consultants for their technical and financial evaluation, and the consultant with the highest score is invited to negotiate.</p>	N/A	For consulting services, the legal framework does not mandate that the way evaluation criteria are combined, and their relative weight, should be clearly defined in the procurement documents.		Update Article 41 to mandate that the way evaluation criteria are combined, and their relative weight should be clearly defined in the procurement documents.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	For consulting services, it is not mandated that the way evaluation criteria are combined, and their relative weight should be clearly defined in the procurement documents.				
(e) During the period of the evaluation, information on the examination, clarification, and evaluation of bids/proposals is not disclosed to participants or to others not officially involved in the evaluation process.	According to Article 7 of the law, during the period of the evaluation, information on the examination, clarification, and evaluation of bids/proposals is not disclosed to participants or to others not officially involved in the evaluation process.	N/A	No gap		

I(g). Submission, receipt, and opening of tenders

The legal framework provides for the following provisions:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Opening of tenders in a defined and regulated proceeding, immediately following the closing date for bid submission.	According to Article 28 (part I) the opening of tenders is conducted in a defined and regulated proceeding, immediately following the closing date for bid submission.	N/A	No gap		
(b) Records of proceedings for bid openings are	Records of proceedings for bid openings are retained and available for review. According to part 10 of Article 28, "In case of electronic procurement, the system prepares minutes of	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
retained and available for review.	the opening of envelopes with bids and posts them on the e-portal automatically.”				
(c) Security and confidentiality of bids is maintained prior to bid opening and until after the award of contracts.	Security and confidentiality of bids is maintained prior to bid opening and until after the award of contracts in compliance with Article 7 “Principle of Confidentiality.” This process is managed in the e-portal.	N/A	No gap		
(d) The disclosure of specific sensitive information is prohibited, as regulated in the legal framework.	According to part 4 of Article 49 the disclosure of specific sensitive information is prohibited, as regulated in the legal framework.	N/A	No gap		
(e) The modality of submitting tenders and receipt by the government is well defined, to avoid unnecessary rejection of tenders.	In accordance with Article 24 (part I), the procedure of submitting tenders and receipt by the procuring entity is well defined, to avoid unnecessary rejection of tenders.	N/A	No gap		

I(h). Right to challenge and appeal

The legal framework provides for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Participants in procurement proceedings have the right to challenge decisions or actions taken by the procuring entity.	In accordance with part I of Article 48, suppliers (contractors), consultants have the right to file a complaint through the e-portal of public procurement to an Independent Complaints Committee (ICC) at any stage of the procurement procedure.	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(b) Provisions make it possible to respond to a challenge with administrative review by another body, independent of the procuring entity that has the authority to suspend the award decision and grant remedies, and also establish the right for judicial review.	<p>According to Article 48, complaints are submitted to the Independent Complaints Committee (ICC). According to part 5 of Article 49, in case the complaint of a supplier (contractor) is valid, the Independent Committee shall offer one or more of the following remedies:</p> <p>1) prohibit the procuring entity from committing illegal actions or making illegal decisions or applying illegal procedures;</p> <p>2) cancel in whole or in part the unlawful decision of the procuring entity;</p> <p>3) cancel the decision of the procuring entity that violates the terms and conditions of the bidding procedure; and</p> <p>4) make a decision to terminate the procurement procedures.</p>	N/A	No gap		
(c) Rules establish the matters that are subject to review.	<p>Part 2 of Article 48 indicates matters that are not subject to review,</p> <p>The following may not be the subject of appeal:</p> <p>provision of preferences to domestic suppliers (contractors) under Article 4 of the Law; or</p> <p>decision of procuring entity, made in accordance with part 1 of Article 31 of the Law (cancellation or invalidation of bidding).</p> <p>By default, it establishes all other matters are subject to review.</p>	N/A	No gap		
(d) Rules establish timeframes for the submission of challenges and appeals and for issuance of decisions by the institution in	<p>According to part 1 of Article 48, suppliers (contractors), consultants have the right to file a complaint through the e-portal to the Independent Complaints Committee at any stage of the procurement procedure.</p> <p>In compliance with part 3 of Article 49, the Independent Complaints Committee within</p>	N/A	No gap		See sub-indicator 13(a)

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
charge of the review and the independent appeals body.	seven business days makes in writing and posts on the public procurement e-portal a motivated decision on the complaint.				
(e) Applications for appeal and decisions are published in easily accessible places and within specified timeframes, in line with legislation protecting sensitive information.	In accordance with part 3 and 4 of Article 49, the Independent Complaints Committee after receiving of a complaint promptly notifies procuring entity of the received complaint and suspends the procurement procedure for ten days. The Independent Complaints Committee considers the complaint with participation of procuring entity and the complainant participant and within seven business days makes a decision on the complaint. The complaint and the decision are published on the e-portal, which is easily accessible to public. The decision taken shall not contain information, disclosure of which would prejudice legitimate commercial interests of the supplier (contractor) or hinder fair competition, unless the court has made a decision on disclosure of such information.	N/A	No gap		
(f) Decisions by the independent appeals body can be subject to higher-level review (judicial review).	Part 6 of Article 49 states that the decision on the complaint shall be final, unless it is challenged in the Third-Party Court or a Court of General Jurisdiction in accordance with established procedure.	N/A	No gap		No gap

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

I(i). Contract management

The legal framework provides for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Functions for undertaking contract management are defined and responsibilities are clearly assigned.	The legal framework does not define the functions for undertaking contract management or assign responsibilities other than that the procuring entity must post certain information on the e-portal.	N/A	The legal framework does not define the functions for undertaking contract management or assign responsibilities other than that the procuring entity must post certain information on the e-portal.	Yes	The functions for undertaking contract management need to be defined in the legal framework and responsibilities clearly assigned.
(b) Conditions for contract amendments are defined, ensure economy, and do not arbitrarily limit competition.	Part I of Article 53 of the law states that awarded public procurement contract may be modified by mutual consent of the parties. Part 3 of the Article 53 states that no modifications shall be made to the awarded public procurement contract, if such modifications were the criteria of supplier (contractor) selection at the bidding stage.	N/A	No gap		
(c) There are efficient and fair processes to resolve disputes promptly during the performance of the contract.	Article 55. "Disputes under the contract" states: 1. In case of disputes and disagreements in relation to the implementation of an awarded contract, the parties to such contract may raise claims with specification of the reasons to the other party to the contract. 2. A party receiving a claim of the other party must consider it and respond in writing within ten calendar days from the date of the claim. 3. In case of rejection of a claim or failure to respond to it within the time specified in part 2 of this article, the interested party may apply to court.	N/A	While disputes arising from the procurement process may be appealed to arbitration or the court of general jurisdiction (Article 50), the option of arbitration is not included for disputes relating to contract performance. Since arbitration is an efficient and fair way to resolve disputes, this would constitute a gap.	Yes	Include in part 3 of this article the provision on applying to arbitration before the option of applying to Court of Law. Include a standard clause in contracts: "All disputes arising out of or in connection with the present contract shall be finally settled under the Rules of Arbitration of the International Chamber of Commerce by one or

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
					more arbitrators appointed in accordance with the said Rules.”
(d) The final outcome of a dispute resolution process is enforceable.	According to Rules of Procedure of the International Third-Party Court under the KR Chamber of Industry and Commerce, the decision of the Third-Party Court is enforceable and final and not subject to any appeal.	N/A	No gap		

I(j). Electronic Procurement (e-Procurement)
The legal framework provides for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The legal framework allows or mandates e-procurement solutions covering the public procurement cycle, whether entirely or partially.	Since 2014, it is mandatory that all procurements in Kyrgyz Republic are conducted in the e-portal of the Ministry of Economy and Finance of the Kyrgyz Republic, (Ministry of Economy and Finance of the Kyrgyz Republic Order Bishkek June 23, 2014 No. 113-P. ORDER: “On the launch of the e-procurement portal in the Kyrgyz Republic”).	N/A	No gap		
(b) The legal framework ensures the use of tools and standards that provide unrestricted and full access to the system, taking into consideration privacy, security of	The legal framework ensures the use of tools and standards that provide unrestricted and full access to the system, taking into consideration privacy, security of data, and authentication (Ministry of Economy and Finance of the Kyrgyz Republic Order Bishkek June 23, 2014 No. 113-P. ORDER: “On the	N/A	No gap		

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
data, and authentication.	launch of the e-procurement portal in the Kyrgyz Republic”).				
(c) The legal framework requires that interested parties be informed which parts of the processes will be managed electronically.	Ministry of Economy and Finance Regulation on the rules for electronic public procurement of Dec 31, 2019 No. 150-P outlines how the process is managed in the e-portal.	N/A	No gap		

I(k). Norms for safekeeping of records, documents and electronic data
The legal framework provides for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) A comprehensive list is established of the procurement records and documents related to transactions including contract management. This should be kept at the operational level. It should outline what is available for public inspection including conditions for access.	<p>Para 20 of part 2, Article 10 states that functions of the procurement department of the procuring entity include ensuring collection and storage for a period of three years of bidding documents, bids of suppliers' (contractors'), and other public procurement related documents, including electronic versions thereof.</p> <p>Article 30. Records of procurement proceedings lists the information that should be included in the procurement record and specifies that the information shall be posted on the e-portal.</p> <p>Article 51 part 7 specifies the information relating to contract performance that should be published on the e-portal.</p>	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(b) There is a document retention policy that is both compatible with the statute of limitations in the country for investigating and prosecuting cases of fraud and corruption and compatible with the audit cycles.	Article 10 part 2 mandates the retention of documents for at least three years, which is compatible with the statute of limitations, the audit cycle, etc. As per amendment dated 11 Jan 2021, according to Article 3 Definitions, the public procurement web portal has information storage for not less than 10 years.	N/A	No gap		
(c) There are established security protocols to protect records (physical and/or electronic).	Neither the PPL nor the Ministry of Economy and Finance Regulation on the rules for electronic public procurement of Dec 31, 2019 No. 150-P establishes security protocols to protect records.	N/A	The legal framework does not establish security protocols to protect records.	Yes	Update regulation on the rules for electronic public procurement to include security protocols for the protection of records.

I(l). Public procurement principles in specialized legislation

The legal and regulatory body of norms complies with the following conditions:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Public procurement principles and/or the legal framework apply in any specialized legislation that governs	The provisions of the law “On public-private partnership,” which was adopted on July 22, 2019 (No. 95), deviate considerably from the public procurement principles stipulated in the KR PPL. Moreover, the law does not include one of the substantial parts of the PPP as a provision on concessions.	N/A	“The winner of the bidding is a participant whose technical and financial proposal is recognized by the Bid Evaluation Committee as meeting the requirements of the request for proposals for participation in the bidding and contain the best conditions for		Correct the deviations from the public procurement principles of the KR PPL and add a provision on concessions.

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
procurement by entities operating in specific sectors, as appropriate.			<p>the implementation of the PPP project” versus part 8 of Article 29 of KR PPL:</p> <p>8. Bid Evaluation Committee shall select the successful bid that is substantially responsive to the requirements of the bidding documents:</p> <p>1). with the lowest price, if the price is the only criterion;</p> <p>2). with the lowest evaluated cost based on the established criteria, if, in addition to the price, other evaluation criteria are also specified in bidding documents.</p>		
(b) Public procurement principles and/or laws apply to the selection and contracting of public private partnerships (PPP), including concessions as appropriate.	The law “On public-private partnership” (July 22, 2019 No. 95) deviates from public procurement principles, and it does not include concessions.	N/A	Ditto		Ditto
(c) Responsibilities for developing policies and supporting the implementation of PPPs, including concessions, are clearly assigned.	Responsibilities for developing policies and supporting the implementation of PPPs (The law “On public-private partnership” (July 22, 2019 No. 95), excluding concessions, are clearly assigned.	N/A	No gap		

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2. IMPLEMENTING REGULATIONS AND TOOLS SUPPORT THE LEGAL FRAMEWORK

2(a). Implementing regulations to define processes and procedures

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There are regulations that supplement and detail the provisions of the procurement law, and do not contradict the law.	There are a number of regulations that supplement various aspects of the procurement law. However, the various regulations have not been kept up to date in line with the various amendments to the law.	N/A	The various regulations have not been kept up to date in line with the various amendments to the law.		Review all the regulations and update in accordance with amendments to the PPL.
(b) The regulations are clear, comprehensive, and consolidated as a set of regulations readily available in a single accessible place.	The various regulations on the e-portal are mixed with laws and government resolutions. There is no consolidated set of regulations, readily accessible.	N/A	There is no consolidated set of regulations readily accessible.	Yes	It is recommended to develop comprehensive and consolidated regulations in a single document.
(c) Responsibility for maintenance of the regulations is clearly established, and the regulations are updated regularly.	Article 9 of the PPL establishes that responsibility for drafting laws and regulations lies with the Public Procurement Authority, and there is evidence that regulations are updated regularly as required.	N/A			

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

2(b). Model procurement documents for goods, works, and services

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There are model procurement documents provided for use for a wide range of goods, works and services, including consulting services procured by public entities.	<p>There are model procurement documents for some, but not all, of the procurement methods.</p> <ul style="list-style-type: none"> • Standard Bidding Documents for procurement of goods, works, and services by the single-stage method; • Standard Bidding Documents for procurement of goods, works, and services by the two-stage method; • Standard Bidding Documents for procurement of goods, works, and services by the simplified acquisition method; • Standard Bidding Documents for procurement of consulting services (standard RFP) <p>However, in practice, with the implementation of the e-portal, these documents have been replaced with the standardized</p>	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	electronic bid functionality therein.				
(b) At a minimum, there is a standard and mandatory set of clauses or templates that reflect the legal framework. These clauses can be used in documents prepared for competitive tendering/bidding.	There are standard and mandatory set of clauses that reflect the legal framework, which are used in competitive bidding documents (Article 14 of PPL Preparation of Bidding Documents).	N/A	No gap		
(c) The documents are kept up to date, with responsibility for preparation and updating clearly assigned.	While the preparation and updating of model procurement documents is not specifically mentioned as a responsibility of the Public Procurement Authority in the PPL, Article 9 assigns the authority with responsibility both for procurement order and procedures and the administration of the public procurement e-portal, which de facto includes maintenance of the model documents.	N/A	No gap		

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2(c). Standard contract conditions

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There are standard contract conditions for the most common types of contracts, and their use is mandatory.	There are standard contract conditions (General and Special) for the most common types of contracts, and their use is mandatory.	N/A	No gap		
(b) The content of the standard contract conditions is generally consistent with internationally accepted practice.	The content of the standard contract conditions is generally consistent with internationally accepted practice.	N/A	No gap		
(c) Standard contract conditions are an integral part of the procurement documents and made available to participants in procurement proceedings.	Standard contract conditions are an integral part of the procurement documents and made available to participants in procurement. However, in practice, the sample contracts are often not attached to the electronic procurement “document” in the e-portal.	N/A	While it is mandatory to attach the sample contract to bid documents, in practice this does not often happen.	Yes	Develop functionality to make it impossible to publish bid documents without the attached sample contract.

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2(d). User's guide or manual for procuring entities

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There is (a) comprehensive procurement manual(s) detailing all procedures for the correct implementation of procurement regulations and laws.	There is no official comprehensive Public Procurement Manual detailing all procedures for the correct implementation of procurement regulations and laws.	N/A	There is no official comprehensive Public Procurement Manual detailing all procedures for the correct implementation of procurement regulations and laws.	Yes	Develop a unified, official, comprehensive Public Procurement Manual detailing all procedures for the correct implementation of procurement regulations and laws.
(b) Responsibility for maintenance of the manual is clearly established, and the manual is updated regularly.	Article 9 of the PPL stipulates that responsibility for drafting procedures lies with the Public Procurement Authority. However, no manual has been prepared.	N/A			Develop a unified, official, comprehensive Public Procurement Manual detailing all procedures for the correct implementation of procurement regulations and laws.

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3. THE LEGAL AND POLICY FRAMEWORKS SUPPORT THE SUSTAINABLE DEVELOPMENT OF THE COUNTRY AND THE IMPLEMENTATION OF INTERNATIONAL OBLIGATIONS

3(a). Sustainable Public Procurement (SPP)

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The country has a policy/strategy in place to implement SPP in support of broader national policy objectives.	The country has no policy/strategy in place to implement SPP in support of broader national policy objectives.	N/A	The country has no policy/strategy in place to implement SPP in support of broader national policy objectives.		Develop a policy/strategy for SPP, based upon the national policy objectives.
(b) The SPP implementation plan is based on an in-depth assessment; systems and tools are in place to operationalize, facilitate, and monitor the application of SPP.	See 3 (a) (a) above	N/A			
(c) The legal and regulatory frameworks allow for sustainability (i.e., economic, environmental and social criteria) to be incorporated at all stages of the procurement cycle.	Though the legal and regulatory framework does not make reference to sustainable public procurement, the legislation of the country doesn't prohibit the introduction of additional economic, environmental and social criteria in bidding documents.	N/A			Ditto
(d) The legal provisions require a well-balanced application of sustainability criteria	See 3 (a)(a) above.	N/A			

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
to ensure value for money.					

3(b). Obligations deriving from international agreements

Public procurement-related obligations deriving from binding international agreements are:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) clearly established	Public procurement-related obligations deriving from binding international agreements are not clearly established in the law although there are a couple of references to the issue in the PPL, namely for projects financed in whole or in part by international organizations (Article 2, part 5) and in relation to suppliers (contractors) of the Member-States of the Eurasian Economic Union (Article 4, part 6).	N/A	Public procurement-related obligations deriving from binding international agreements are not clearly established in the law.	Yes	Include an article that states that if an international agreement establishes other rules than those set forth in the law or regulations for procurement, the rules of the international agreement take precedence.
(b) consistently adopted in laws and regulations and reflected in procurement policies	Public procurement-related obligations deriving from binding international agreements are not clearly established in the law although there are a couple of references to the issue in the PPL,	N/A	Public procurement-related obligations deriving from binding international agreements are not clearly established in the law.		Include an article that states that if an international agreement establishes other rules than those set forth in the law or regulations for procurement, the rules of the international

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	namely for projects financed in whole or in part by international organizations (Article 2, part 5) and in relation to suppliers (contractors) of the Member-States of the Eurasian Economic Union (Article 4, part 6).				agreement take precedence.

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Pillar II. Institutional Framework and Management Capacity

4. THE PUBLIC PROCUREMENT SYSTEM IS MAINSTREAMED AND WELL INTEGRATED INTO THE PUBLIC FINANCIAL MANAGEMENT SYSTEM

4(a). Procurement planning and the budget cycle

The legal and regulatory framework, financial procedures, and systems provide for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Annual or multi-annual procurement plans are prepared, to facilitate the budget planning and formulation process and to contribute to multi-year planning.	According to the Budget Code Chapter 19 Article 89, the budget is prepared for the next budget year and two forecast years (three years in total). According to the PPL Article 12, within one month from the approval of the annual budget the procuring entity shall prepare.... its public procurement plan covering the period of at least one year on the basis of its budget or estimate of expenditures. The e-portal supports multi-year planning that can track the cost for multiple years.	N/A	No gap		
(b) Budget funds are committed or appropriated in a timely manner and cover the full amount of the contract (or at least the amount necessary to cover the	Budget funds are committed based on the procurement plans. However, this is a manual process. The Ministry of Economy and Finance manually reviews the data in the planning module	N/A	Budget funds are committed based on procurement plans. However, this is a manual process with the potential for delays in the process.		Integrate the planning module of the e-portal with the Government Financial Management Information System.

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
portion of the contract performed within the budget period).	and uses a checklist approach to enter budget information in the Government Financial Management Information System.				
(c) A feedback mechanism reporting on budget execution is in place, in particular regarding the completion of major contracts.	<p>According to the Budget Code (Article 104) the main administrators of budgetary funds submit reports on budget execution and other information necessary... for monitoring of budget execution.</p> <p>According to the Budget Code (Article 103), the budget is executed on the bases of quarterly budget distribution.</p> <p>This is a manual process. There is no automatic link back to the Financial Management System for contract completion.</p>	N/A	The feedback mechanism reporting on budget execution is a manual process with the potential for delays in the process.		Ditto

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4(b). Financial procedures and the procurement cycle

The legal and regulatory framework, financial procedures, and systems should ensure that:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) No solicitation of tenders/proposals takes place without certification of the availability of funds.	Funds must be available in the Financial Management Information System before solicitations can proceed.	N/A	No gap		
(b) The national regulations/ procedures for processing of invoices and authorization of payments are followed, publicly available, and clear to potential bidders.*	<p>The regulations and procedures for processing of invoices and authorization of payments are stipulated in the Regulation of the Ministry of Economy and Finance on Accounting and Financial Policy in the Government Administration Sector No. 143, which is in the public domain. According to this regulation, the established payment term is 30 days from the date of receipt of invoice for payment.</p> <p>The specific payment terms for each procurement are included on the e-portal in the bid documents.</p> <p>In practice, reportedly payment to suppliers is often late.</p>		Invoices are often not paid on time.		Include functionality to monitor invoice payment in the contract management module that is to be developed.
<p>// Minimum indicator //</p> <p>* Quantitative indicator to substantiate assessment of sub-indicator 4(b)</p> <p>Assessment criterion (b):</p> <p>- invoices for procurement of goods, works and services paid on time (in % of total number of invoices).</p> <p>Source: PFM systems.</p>	It was not possible to obtain this data.	It was not possible to obtain this data.			

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5. THE COUNTRY HAS AN INSTITUTION IN CHARGE OF THE NORMATIVE/REGULATORY FUNCTION

5(a). Status and legal basis of the normative/regulatory institution function

The legal and regulatory framework, financial procedures, and systems provide for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The legal and regulatory framework specifies the normative/regulatory function and assigns appropriate authorities' formal powers to enable the institution to function effectively, or the normative/regulatory functions are clearly assigned to various units within the government.	Article 9 of the PPL defines the function of a Public Procurement Authority. Resolution of the Government of the Kyrgyz Republic Nr. 68 from 2014 establishes the Department of Public Procurement under the Ministry of Economy and Finance and defines its goals, objectives, functions, rights, and organization.	N/A	No gap		

5(b). Responsibilities of the normative/regulatory function

The following functions are clearly assigned to one or several agencies without creating gaps or overlaps in responsibility:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) providing advice to procuring entities	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		
(b) drafting procurement policies	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(c) proposing changes/drafting amendments to the legal and regulatory framework	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		
(d) monitoring public procurement	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		
(e) providing procurement information	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		
(f) managing statistical databases	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		
(g) preparing reports on procurement to other parts of government	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		
(h) developing and supporting implementation of initiatives for improvements of the public procurement system	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		
(i) providing tools and documents, including integrity training programs, to support training and capacity development of the staff responsible for implementing procurement	The PPL and Resolution Nr. 68 do not specifically mention providing tools, documents, or integrity programs, though do mention providing training in procurement procedures. In practice, development of training materials and provision of training to Procuring Entities is not provided by the DPP, but by the Training Center of the Ministry of Economy and Finance. This training does not specifically include integrity training programs.	N/A	In practice, responsibility for development of training programs lies with the Training Centre. The current materials do not specifically focus on integrity training.		Include integrity training in training courses provided by the Ministry of Economy and Finance Training Centre.

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(j) supporting the professionalization of the procurement function (e.g., development of role descriptions, competency profiles, and accreditation and certification schemes for the profession)	Supporting the professionalization of the procurement function (e.g., development of role descriptions, competency profiles, and accreditation and certification schemes for the profession) is not included as a function of the DPP or any other agency.	N/A	Supporting the professionalization of the procurement function (e.g., development of role descriptions, competency profiles, and accreditation and certification schemes for the profession) is not included as a function of the DPP or any other agency.		Revise the responsibilities of the DPP to include supporting the professionalization of the procurement function (e.g., development of role descriptions, competency profiles, and accreditation and certification schemes for the profession).
(k) designing and managing centralized online platforms and other e-Procurement systems, as appropriate	Adequately covered in Article 9 of the PPL and Resolution Nr. 68.	N/A	No gap		

5(c). Organization, funding, staffing, and level of independence and authority

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The normative/regulatory function (or the institutions entrusted with responsibilities for the regulatory function if there is not a single institution) and the	According to Government Resolution Nr. 68, the Department of Public Procurement is an independent legal entity. The Department of Public Procurement is headed by a director appointed by the Prime Minister on the submission of the Minister of Finance. The Director has one deputy who is appointed by the Minister of Finance.	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

head of the institution have a high-level and authoritative standing in government.				
(b) Financing is secured by the legal/regulatory framework, to ensure the function's independence and proper staffing.	<p>According to Government Resolution Nr. 68, funding for the Department of Public Procurement is provided through funds from the Kyrgyz Republic's national budget, as well as other sources that are not contrary to the legislation of the Kyrgyz Republic.</p> <p>According to an amendment to the PPL in 2019, the DPP is able to acquire funds by from suppliers for subscriptions to the web-portal, the e-catalogue and/or for submitting complaints.</p>	N/A	No gap	
(c) The institution's internal organization, authority, and staffing are sufficient and consistent with its responsibilities.	<p>Government Resolution Nr. 68 from 2014 sets a staffing limit of 20 posts for the Department of Public Procurement (excluding maintenance and technical staff). Including the Director and Deputy Director, the staffing of the DPP is 22.</p> <p>The DPP consists of the Directorate and five departments:</p> <p>Directorate – 3 posts</p> <p>Coordination and Regulation (6 posts) responsible for providing advice on the conduct of public procurement and for monitoring public procurement by procuring entities.</p> <p>Legal Department (4 posts) responsible for drafting laws, regulations, and procedures, and for providing legal expertise on procurement operations.</p> <p>Complaints and Penalties (3 posts) responsible for organizational and technical support to the</p>	N/A	The current staffing level of DPP, which was set in 2014, is inconsistent with its responsibilities.	Conduct a more detailed institutional analysis of the DPP and prepare recommendations on staffing levels and functions.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Independent Complaints Commission (ICC) and for tracking the execution of its decisions.

Analysis and Innovation (3 posts) responsible for developing and maintaining the e-portal and for collection and publishing analytical and statistical information relating to procurement.

Finance, Personnel, and Business (3 posts)

An overall staff of 22 positions, of which only 16 have directly operational functions (the remainder being managerial or administrative staff) is inadequate. With a staff of six, the Coordination and Regulation Department is expected to provide advice to the more than 4,000 procuring entities and monitor more than 86,000 transactions (2020). The Complaints and Penalties Department with a staff of three should provide support to the ICC, which receives with close to 3,000 complaints per annum. With three posts, the Analysis and Innovation Department is responsible for development and maintenance of the e-portal and other applications such as the e-catalog and the database of suppliers.

Moreover, the DPP is currently not engaged in activities to support the professionalization of public procurement in Kyrgyz Republic (see response to sub-indicator 5(b)(j)).

5(d). Avoiding conflict of interest

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The normative/regulatory institution has a system in place to avoid conflicts of interest.*	According to the PPL Article 9, employees of the Department of Public Procurement may not be	No survey was made.	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

<p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 5(d)</p> <p>Assessment criterion (a):</p> <ul style="list-style-type: none"> - Perception that the normative/regulatory institution is free from conflicts of interest (in % of responses). <p>Source: Survey.</p>	<p>part of tender committees except in cases where DPP procures for its own needs.</p>
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6. PROCURING ENTITIES AND THEIR MANDATES ARE CLEARLY DEFINED

6(a). Definition, responsibilities, and formal powers of procuring entities
The legal framework provides for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Procuring entities are clearly defined.	<p>The PPL Article 3 defines a procuring entity as “state authority, local self-government authority, budgetary organization (including public and municipal organizations and enterprisers); joint stock companies with 50 or more percent of equity share (interest in the charter capital) owned, by the state; foundations and the other business entities established on account of the public funds, funds of the state authorities and the local self-government authorities (including self-financing institutions and enterprisers).”</p> <p>There are currently 4,059 procurement entities in the Republic of Kyrgyzstan.</p>	N/A	No gap		
(b) Responsibilities and competencies of procuring entities are clearly defined.	<p>Article 10 of the PPL defines the functions of procuring entities (PEs). There are 20 clauses that define the functions of the procurement department and cover all of the steps in the procurement process. Each PE has the full authority to carry out all of the steps in the procurement process, make awards, and issue contracts. In addition, the responsibilities of the Tender Committee of the PE are defined in nine clauses.</p>				
(c) Procuring entities are required to establish a designated, specialized procurement function with the necessary	<p>Article 10 para 1 states that the procuring entity shall vest responsibility for procurement in one of its existing departments (hereinafter referred to as the procurement department) and shall establish separate tender committee for each bidding. Article 10 para 4 states that one member of the tender committee shall be a certified procurement expert. All officers of</p>	All procuring entities must have a designated procurement department.	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
management structure, capacity and capability. * <i>// Minimum indicator //</i> <i>* Quantitative indicator to substantiate assessment of sub-indicator 6(a) Assessment criterion (c):</i> <i>- procuring entities with a designated, specialized procurement function (in % of total number of procuring entities).</i> <i>Source:</i> <i>Normative/regulatory function.</i>	the procurement department of the procuring entity shall have supporting certificates.				
(d) Decision-making authority is delegated to the lowest competent levels consistent with the risks associated and the monetary sums involved.	According to Article 10 of the PPL, decision making authority is fully defined and delegated to the procurement department and the tender committee regardless of risk/value of specific procurements.	N/A	No gap		
(e) Accountability for decisions is precisely defined.	Accountability for decisions is precisely defined in Article 10 para 6 of the PPL. "The Senior Executive, procurement department of the procuring entity, and members of the tender committee shall be held personally liable for violation of provisions of this Law and regulations in the area of public procurement."	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

6(b). Centralized procurement body

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The country has considered the benefits of establishing a centralized procurement function in charge of consolidated procurement, framework agreements, or specialized procurement.	<p>The country has considered the benefits of establishing a centralized procurement function. PPL Article 10 para 7 states “In case several procuring entities intend to participate in public procurement of the same goods, the Government of the Kyrgyz Republic shall determine the procedure and a body to procure goods on behalf of such procuring entities.” Para 8 states “The Procuring entity shall independently determine a subordinate organization to hold centralized bidding processes for its subordinate organizations and regional offices.”</p> <p>Moreover, a module has been developed on the e-portal to support centralized procurement.</p> <p>However, centralized procurement has not been implemented to date.</p>	N/A	While there is a framework in place to support centralized procurement arrangements, it has so far not been implemented in practice.		Conduct a study of international good practice relating to centralized procurement and prepare practical recommendations as to how to implement.
(b) In case a centralized procurement body exists, the legal and regulatory framework provides for the following: <ul style="list-style-type: none"> • Legal status, funding, responsibilities and decision-making powers are clearly defined. • Accountability for decisions is precisely defined. 	No centralized procurement body exists (see sub-indicator 6(b)(a).	N/A			

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<ul style="list-style-type: none"> • The body and the head of the body have a high-level and authoritative standing in government. 					
(c) The centralized procurement body's internal organization and staffing are sufficient and consistent with its responsibilities.	No centralized procurement body exists (see sub-indicator 6(b)(a).	N/A			

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

7. PUBLIC PROCUREMENT IS EMBEDDED IN AN EFFECTIVE INFORMATION SYSTEM

7(a). Publication of public procurement information supported by information technology
The country has a system that meets the following requirements:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Information on procurement is easily accessible in media of wide circulation and availability. Information is relevant, timely, ad complete, and helpful to interested parties to understand the procurement processes and requirements and to monitor outcomes, results, and performance.	Public procurement is conducted in the e-portal, which is publicly accessible in real time. However, contracts and contract amendments and payments are so far not included in the e-portal. There are plans to update the e-portal to include this information.	N/A	It is not possible to fully monitor procurement outcomes, results, and performance due to the lack of published information relating to contract implementation.	Yes	Implement contract management module in the e-portal.
(b) There is an integrated information system (centralized online portal) that provides up-to-date information and is easily accessible to all interested parties at no cost.	<p>The e-portal is accessible to the public at no cost.</p> <p>A potential bidder must register, and be approved by the DPP, at no cost.</p> <p>All bids financed by the government's budget that are not exempt from competition, per the PPL, Article 2(3), are posted on the e-portal.</p>	N/A	No gap		
(c) The information system provides for the publication of: * • procurement plans • information related to specific procurements, at a minimum, advertisements or	All procurement plans are published on the e-portal, and it is not possible to commence a procurement action unless the procurement is included in the procurement plan. There are exceptions, per Article 2 of the PPL, exempting publication of procurement requirements related to national security,	100% of procurement plans are published, as is all other documentation, with the exceptions already noted.	Information relating to contract implementation is not published, however plans are underway to develop this capability in the system.		Implement contract management module in the e-portal.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
notices of procurement opportunities, procurement method, contract awards and contract implementation, including amendments, payments and appeals decisions <ul style="list-style-type: none"> • linkages to rules and regulations and other information relevant for promoting competition and transparency. <p>// Minimum indicator //</p> <p>Quantitative indicators to substantiate assessment of sub-indicator 7(a)</p> <p>Assessment criterion (c):</p> <ul style="list-style-type: none"> • procurement plans published (in % of total number of required procurement plans) • key procurement information published along the procurement cycle (in % of total number of contracts) : • invitation to bid (in % of total number of contracts) 	<p>defense, protection of state secrets, and natural disasters.</p> <p>Procurement notices, methods, contract awards and appeals decisions. However, contracts and contract amendments and payments are not published.</p> <p>The law and regulations governing public procurement are published on the e-portal.</p>				

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<ul style="list-style-type: none"> • contract awards (purpose, supplier, value, variations/amendments) • details related to contract implementation (milestones, completion and payment) • annual procurement statistics • appeals decisions posted within the time frames specified in the law (in %). Source: Centralized online portal.					
(d) In support of the concept of open contracting, more comprehensive information is published on the online portal in each phase of the procurement process, including the full set of bidding documents, evaluation reports, full contract documents including technical specification and implementation details (in accordance with legal and regulatory framework).	Full bidding documents and evaluation reports are published on the e-portal. Contract documents are not published, however.	N/A	Contract documents are not published.	Yes	Implement contract management module in the e-portal.
(e) Information is published in an open	The e-portal uses the Open Contracting Data Standard (OCDS) for data exchange with civil	100%	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>and structured machine-readable format, using identifiers and classifications (open data format).*</p> <p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 7(a) Assessment criterion (e): - Share of procurement information and data published in open data formats (in %). Source: Centralized online portal.</p>	society organizations and any other interested parties. The e-portal has a functionality in place to export standard reports in open data format or to custom build reports.				
(f) Responsibility for the management and operation of the system is clearly defined.	The PPL assigns responsibility for the system to the DPP, and it is specifically included in the Job Description of the Chief Specialist of the Analysis and Innovation Department.	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

7(b). Use of e-Procurement

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) E-procurement is widely used or progressively implemented in the country at all levels of government. * <i>// Minimum indicator //</i> * <i>Quantitative indicators to substantiate assessment of sub-indicator 7(b)</i> <i>Assessment criterion (a): uptake of e-Procurement</i> <i>- number of e-Procurement procedures in % of total number of procedures</i> <i>- value of e-Procurement procedures in % of total value of procedures</i> <i>Source: e-Procurement system.</i>	According to the PPL Article 10 para 9, “The procuring entity shall make procurement in electronic format, including with the use of the e-catalogue in accordance with the procedure established by the Government of the Kyrgyz Republic.” Ministry of Economy and Finance Regulation No. 150-P from 2019 sets down the rules for the conduct of e-procurement.	All procurement is conducted through e-procurement.	No gap		
(b) Government officials have the capacity to plan, develop, and manage e-Procurement systems.	The DPP has some capacity to plan, develop, and manage the e-portal. However, it is dependent on support from development partners to implement improvements to the system.	N/A	The DPP does not have sufficient resources to implement required improvements to the e-portal.		Develop a roadmap for the development of the e-portal and include sustainability issues in the plan.
(c) Procurement staff is adequately skilled to use e-Procurement systems reliably and efficiently.	Procurement staff in all procuring entities must attend the five-day procurement training run by the Ministry of Economy and Finance Training Centre. Practical training on use of the Portal is one of the main focus areas of the training. Moreover, the e-portal has an extensive FAQ section as well as a Help Desk.	N/A			

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>(d) Suppliers (including micro, small and medium-sized enterprises) participate in a public procurement market increasingly dominated by digital technology.*</p> <p>* Recommended quantitative indicators to substantiate assessment of sub-indicator 7(b) Assessment criterion (d):</p> <ul style="list-style-type: none"> - bids submitted online (in %) - bids submitted online by micro, small and medium-sized enterprises (in %) <p>Source: e-Procurement system.</p>	Suppliers do participate in public procurement on the e-portal. While there are constraints relating to SME participation discussed in Indicator 10, these are not related to digitalization.	Suppliers are not classified in the e-portal according to size, so it is not possible to quantify the number of bids submitted by micro/SMEs.	No gap.		
<p>(e) If e-Procurement has not yet been introduced, the government has adopted an e-Procurement roadmap based on an e-Procurement readiness assessment.</p>	N/A	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

7(c). Strategies to manage procurement data

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) A system is in operation for collecting data on the procurement of goods, works, and services, including consulting services, supported by e-Procurement or other information technology.	<p>Reports can be generated from the e-portal. The types of reports are standard, though it is possible to adjust the search parameters. At present, customized reports cannot be generated by the public for specific uses. Consulting services are currently not included, but this is in process of being implemented.</p> <p>In addition to the reports generated by the e-portal, the DPP publishes a quarterly report with analysis of procurement data for the quarter (in comparison to previous periods).</p>	N/A	Custom-designed reports for specific use by the public, CSOs, and other interested entities cannot be easily generated.		Expand the report function to have the facility to design and generate reports for specific requirements.
(b) The system manages data for the entire procurement process and allows for analysis of trends, levels of participation, efficiency and economy of procurement, and compliance with requirements.	<p>The e-portal does not manage data for the entire procurement process. Also consulting services are not presently included, although this is in process of being implemented.</p> <p>Steps in the procurement process that are not reflected on the e-portal include:</p> <ul style="list-style-type: none"> approved requisition, contract modification, contract progress, receiving and inspection reports, confirmation of payment/s to the contractor, and completion and closure of the procurement file. <p>Currently the system is not being used to systematically analyze trends, levels of</p>	N/A	The full procurement cycle is not currently reflected in the e-portal, which sets some limitations on data monitoring and analysis. Beyond spot checks on compliance, there is no systematic monitoring of data related to procurement performance and compliance.		Conduct a study on international good practice related to data analysis for procurement performance and compliance monitoring and develop recommendations for implementation.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	participation, efficiency and economy of procurement, and compliance with requirements, except for spot checks.				
(c) The reliability of the information is high (verified by audits).	Since the procurement process is conducted entirely within the e-portal, and the data available is in real time, the reliability of the information currently is high.	N/A	No gap		
(d) Analysis of information is routinely carried out, published, and fed back into the system. * <i>// Minimum indicator //</i> * Quantitative indicators to substantiate assessment of sub-indicator 7(c) Assessment criterion (d): <ul style="list-style-type: none"> • total number and value of contracts • public procurement as a share of government expenditure and as share of GDP • total value of contracts awarded through competitive methods in the most 	The DPP published a quarterly report with an analysis of procurement data for that quarter. In general, the extensive plans in place by the DPP is evidence that information from this and all other sources is routinely used to inform improvements to the system.	Total number of contracts (2020): 69,592 Value of contracts (2020): 48.2 billion som Total number of contracts awarded through competitive methods* (one-stage, two-stage, lowering the price) (2020): 12,042 (17%) Total value of contracts awarded through open-competitive methods* (2020): 31.7 billion som (66%) Public procurement as a share of GDP** (2020): 8.2% *One-stage, two-stage and lowering the price. ** GDP 2020 589.3 billion som			

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
recent fiscal year. Source: Normative/ regulatory function/e- Procurement system.					

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

8. THE PUBLIC PROCUREMENT SYSTEM HAS A STRONG CAPACITY TO DEVELOP AND IMPROVE

8(a). Training, advice, and assistance

There are systems in place that provide for:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) substantive permanent training programs of suitable quality and content for the needs of the system	<p>The Training Center within the Ministry of Economy and Finance offers short-term courses for procurement staff:</p> <ol style="list-style-type: none"> 1. One day course on updates to the procurement law. 2. Two-day course on medical procurement. 3. Nine-day course on advanced procurement training. 4. Five-day training for procurement specialists. <p>The five-day training for procurement specialists is compulsory for procurement specialists in procuring entities. The course content is of an introductory nature and is focused on the legislation and the e-portal. Participants must pass a test at the end. The pass rate is approximately 80%. In 2019, this course was attended by 1991 participants.</p> <p>The nine-day advanced course was only attended by 87 people in 2019.</p> <p>In addition, a number of online courses were developed in 2016, but these have become outdated due to amendments in the legal and regulatory framework.</p> <p>There is also an association that delivers procurement training, but the test has to be taken at the training center.</p>	N/A	<p>The level of procurement training is very basic and inadequate to ensure procurement staff have appropriate knowledge, skills, and competencies.</p> <p>Online courses have become outdated.</p>		<p>Short term recommendation: Analyze the reasons for the low number preceding to the advance training and develop and implement recommendations to ensure that procurement specialists also attend the advanced training.</p> <p>Long-term recommendation: Conduct a training needs analysis and prepare and implement a strategy for professional development of procurement specialists and other stakeholders involved in public procurement.</p>

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

	<p>There is a Masters' program in procurement at the Kyrgyz State Technical University, but it is not focused on the public sector.</p> <p>Overall, the provision of training programs is inadequate, with most procurement practitioners only having attended the basic introductory course.</p>				
(b) routine evaluation and periodic adjustment of training programs based on feedback and need	<p>There is no evidence that this is taking place. The training materials have been developed by external partners, and the MoF Training Centre reported that they lack resources. They have, however, conducted special one-day courses on medical procurement in 2020 responding to the COVID19 situation. They would also like to introduce more distance learning but lack resources to do so.</p> <p>The online training courses developed in 2016 have become outdated.</p>	N/A	There is a lack of resources to routinely evaluate and adjust training programs.		<p>Include the issue of sustainability of training materials as part of the strategy for professional development of procurement specialists and other stakeholders involved in public procurement.</p> <p>Update the online training courses.</p>
(c) advisory service or help desk function to resolve questions by procuring entities, suppliers and the public	<p>The DPP has a help desk function that can be contacted both by telephone and by email. In addition, there is an extensive FAQ on the e-portal.</p>	N/A	No gap		
(d) a strategy well-integrated with other measures for developing the capacity of key actors involved in public procurement	<p>The training center conducted a one-day training course for suppliers in 2019 with 93 participants; in addition, 267 participants from various stakeholder groups including employees of SMEs attended the five-day basic course. Auditors have also been trained in the five-day basic course. However, this training is ad hoc and not part of a well-integrated strategy.</p>	N/A	There is no overall strategy for developing the capacity of key actors involved in public procurement.	Yes	See 8(a)(a) above.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

8(b). Recognition of procurement as a profession

The country's public service recognizes procurement as a profession:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Procurement is recognized as a specific function, with procurement positions defined at different professional levels, and job descriptions and the requisite qualifications and competencies specified.	In so far as the PPL stipulates that each procuring entity must have a designated procurement department with a procurement specialist, then procurement is recognized as a specific function. However, there is no requirement for a procurement specialist other than having passed the basic five-day training. There is no defined career path for procurement, with job descriptions at different levels and requisite qualifications and competencies specified.	N/A	There is no defined career path for procurement with job descriptions at different levels and requisite qualifications and competencies specified.		The strategy for professional development recommended in 8(a) should include the defined career path for procurement with job descriptions at different levels and requisite qualifications and competencies specified.
(b) Appointments and promotion are competitive and based on qualifications and professional certification.	<p>As prescribed by the Law on the State Civil Service and Municipal Service, Chapter 3, Organization of the system of state civil service and municipal civil service:</p> <p>Article 12: All civil service positions are indicated in a register.</p> <p>Article 13: Classification of each post.</p> <p>Article 14: Qualification requirements, including work experience and education.</p> <p>Regulations are in place for completion for vacancies and promotions, per Appendix 1, Regulation on the procedure for holding a competition and career promotion in the state civil service, last amended on 22 April 2021, No. 162.</p>	N/A	No gap		
(c) Staff performance is evaluated on a regular and	As prescribed by the Law on the State Civil Service and Municipal Service Article 28. Professional development of a civil servant and municipal employee. Training is carried out for	N/A	The level of procurement training is insufficient.		Covered under sub-indicator 8(a).

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
consistent basis, and staff development and adequate training is provided.	<p>the purpose of staff professional development, necessary to fulfill the tasks of the state or local-government body. According to Article 29, evaluation of the activities of state civil servants and municipal employees, and staff performance is evaluated on an annual basis.</p> <p>The assessment team did not review the implementation of these articles in practice. However, as identified in sub-indicator 8(a), the level of procurement training is insufficient.</p>				

8(c). Monitoring performance to improve the system

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The country has established and consistently applies a performance measurement system that focuses on both quantitative and qualitative aspects.	The country has not established or applied a performance management system to review the performance of the public procurement system quantitatively and qualitatively beyond compliance spot checks.	N/A	There is no performance measurement system that consistently measures the public procurement system on both quantitative and qualitative aspects.		Conduct a study of international good practice relating to performance measurement of public procurement systems and develop and implement recommendations.
(b) The information is used to support strategic policymaking on procurement.	N/A	N/A	N/A		
(c) Strategic plans, including results frameworks, are in place and used to improve the system.	The current strategic plan is entitled "By order of the Ministry of Economy and Finance of the Kyrgyz Republic dated February 1, 2018, No. 15-P, the Program for Improving and	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	Increasing the Efficiency of Public Procurement of the Kyrgyz Republic for 2018-2022." Most of the activities in the action plan have been or are currently being implemented. It is the intention of the DPP to develop a new strategic plan during 2021 for the next period.				
(d) Responsibilities are clearly defined.	The Action Plan defines responsibilities albeit at a high level e.g., Ministry of Economy and Finance.	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Pillar III. Public Procurement Operations and Market Practices

9. PUBLIC PROCUREMENT PRACTICES ACHIEVE STATED OBJECTIVES

9(a). Planning

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Needs analysis and market research guide a proactive identification of optimal procurement strategies.	No guidance is issued about conducting needs analysis or market research or about developing procurement strategies. A procurement planning manual was issued in 2018, but this is limited to the process of uploading a procurement plan to the e-portal. While there may be individual procuring entities that conduct needs analysis and market research toward developing procurement strategies, there is no evidence that this is a regular occurrence.	N/A	There is no evidence of strategic approach to procurement planning based on needs analysis and market research.		Develop training materials and conduct training on procurement strategy development including needs analysis and market research. Include guidance on procurement strategy development such as needs analysis and market research in the procurement manual that should be developed.
(b) The requirements and desired outcomes of contracts are clearly defined.	The requirements of the PPL (Article 14, 4) are that the requirement definition should include a detailed description of the procurement item, requirements for technical and/or quality characteristics..., including technical specifications, design specifications... Thus, the focus is on technical/performance specifications rather than output/outcome-based requirement definition (functional specifications). While there may be individual procuring entities that practice this, there is no evidence that this is a regular occurrence.	N/A	There is no evidence that output/outcome-based requirement definition is regularly practiced.		Develop training materials and conduct training on requirement definition using output/ outcome-based (functional) specifications. Include guidance on this in the procurement manual that should be developed.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(c) Sustainability criteria, if any, are used in a balanced manner and in accordance with national priorities, to ensure value for money.	There is no evidence of the use of sustainability criteria.	N/A	There is no evidence of the use of sustainability criteria.		Include sustainable procurement in the procurement manual that should be developed.

9(b). Selection and contracting

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Multi-stage procedures are used in complex procurements to ensure that only qualified and eligible participants are included in the competitive process.	Pre-qualification procedures may be used for procurement of sophisticated, expensive, or highly specialized types of goods, works, or services (PPL Article 25). In practice, these are not frequently used. The assessors identified only three examples of pre-qualification in 2020.	N/A			
(b) Clear and integrated procurement documents, standardized where possible and proportionate to the need, are used to encourage broad participation from potential competitors.	Standardized solicitation documents exist for two-stage bidding, one-stage bidding, and simplified acquisition. However, since the implementation of e-procurement, all solicitation documentation is prepared within the e-portal and thus is fully standardized.	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(c) Procurement methods are chosen, documented, and justified in accordance with the purpose and in compliance with the legal framework.	According to PPL Article 30. I, while performing procurement procedures, the procuring entity shall maintain records of procurement proceedings that should contain information on procurement method and justification of its selection, in case of a framework agreement procedure: description of the reasons and circumstances that guided procuring entity in application of a framework agreement procedure. However, the information published on the e-portal does not include the justification for selection of the method. Moreover, according to Monitoring Reports published by DPP, selection of incorrect method is one of the most common violations detected through DPP monitoring.	N/A	Justification for selection of procurement method is not published on the e-portal. Selection of incorrect method is one of the most common violations detected by monitoring activities.		Require procuring entities to justify the selection of the method on the e-portal. Investigate whether it is possible to introduce automated “red flag” detection relating to method selection.
(d) Procedures for bid submission, receipt, and opening are clearly described in the procurement documents and complied with. This means, for instance, allowing bidders or their representatives to attend bid openings, and allowing civil society to monitor bid submission, receipt, and opening, as prescribed.	All procurement is conducted in the e-portal. Bid announcements are clearly indicated the bid submission date and time. Bids are also submitted within the e-portal. Suppliers need to be registered to submit a bid, but the procedures are clear. The e-portal prepares minutes of the opening of the bids and posts them on the e-portal automatically. This is publicly accessible.	N/A	No gap		
(e) Throughout the bid evaluation and award process,	The bid evaluation and award are conducted within the e-portal. The bids submitted are not accessible until after the bid opening. An ad hoc evaluation committee is created for each	N/A	No gap		

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
confidentiality is ensured.	bidding. Each committee member is given an exclusive login/password and access for that specific evaluation. Each member evaluates independently, and the committee then jointly agree the result. Any dissention is noted. The result is then automatically posted on the e-portal. As such, the confidentiality of the evaluation and award process is, as far as possible, ensured by the system.				
(f) Appropriate techniques are applied to determine best value for money based on the criteria stated in the procurement documents and to award the contract.	According to the PPL Article 29.8, the successful bid is the one that is substantially responsive to the requirements of the bidding documents: 1) with the least price, taking into account provided benefits, if price is the only criterion; 2) with the least evaluated cost based on the established criteria, if, in addition to the price, quality criteria are also specified in bidding documents. Thus, criteria other than price and quality cannot be used.	N/A	The legal framework does not allow the use of evaluation and award criteria other than price and quality, such as sustainability criteria or life-cycle costs.		Update the law to include appropriate techniques to determine best value for money such as non-price criteria (sustainability) or life-cycle costs.
(g) Contract awards are announced as prescribed.	Contract awards are posted on the e-portal as stipulated in the PPL.	N/A	No gap		
(h) Contract clauses include sustainability considerations, where appropriate.	There are no sustainability clauses included in contracts.	N/A	The DPP and the GOK have not focused specifically on sustainable procurement.		Review international good practice on sustainable procurement and develop and implement recommendations.
(i) Contract clauses provide incentives for exceeding defined performance levels	There are no incentive clauses in any of the sample contracts for any of the procurement procedures.		While penalty clauses are included in contracts, incentive clauses are not.		Review international good practice on incentive clauses and develop and

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
and disincentives for poor performance.	There are penalty clauses included in the sample contracts for one stage and two stage procurement procedures				implement recommendations.
(j) The selection and award process is carried out effectively, efficiently, and in a transparent way. * *Recommended quantitative indicators to substantiate assessment of sub-indicator 9(b) Assessment criterion (j): - average time to procure goods, works, and services number of days between advertisement/ solicitation and contract signature (for each procurement method used) - average number (and %) of bids that are responsive (for each procurement method used) - share of processes that have been conducted in full compliance with publication requirements (in %)	In general, the selection and award process is carried out effectively, efficiently, and in a transparent way facilitated by the e-portal.	It was not possible for the assessors to obtain this data.	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
- number (and %) of successful processes (successfully awarded; failed; cancelled; awarded within defined time frames) Source for all: Sample of procurement cases.					

9(c). Contract management

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Contracts are implemented in a timely manner.* Recommended quantitative indicator to substantiate assessment criterion (a): time overruns (in %; and average delay in days).	The assessors were unable to obtain data from the e-portal relating to the overall timeliness of contract implementation, since contract management is not yet included. According to the sample PEs, there is variation in the timeliness of contract implementation depending on the nature and source of the goods, works, or services. For example, during the COVID-19 pandemic, most contracts for health products were delayed. However, it seems that normally contracts are implemented in a timely way, and penalties are applied when not.	Data not available	Not possible to ascertain		Implement contract management module in e-portal to allow tracking of contract management.
(b) Inspection, quality control, supervision of work and final acceptance of products is carried out.*	Again, it was not possible to get global data on this due to contract management not being included in the e-portal. According to the sample PEs, depending on the nature of the procurement, a technical commission or quality control specialists are set-up for each procurement who do inspection and sign the acceptance report.	Data not available	Not possible to ascertain		Implement contract management module in e-portal to allow tracking of contract management.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
Recommended quantitative indicator to substantiate assessment criterion (b): quality-control measures and final acceptance are carried out as stipulated in the contract (in %)					
<p>(c) Invoices are examined, time limits for payments comply with good international practices, and payments are processed as stipulated in the contract.</p> <p>Recommended quantitative indicator to substantiate assessment criterion (c): invoices for procurement of goods, works, and services are paid on time (in % of total number of invoices).</p>	<p>According to the Regulation of the Ministry of Economy and Finance on Accounting and Financial Policy in the Government Administration Sector No. 143, the established payment term is 30 days from the date of receipt of invoice for payment, however specific payment terms for a specific procurement can be included on the e-portal.</p> <p>It is not possible to get data on invoice payment since it is not included in the e-portal. However according to the sampling, it seems that payment of invoice is almost always delayed, sometimes by months. This is due to funding not being disbursed to the PE from the national budget in a timely way.</p>	This is the same as 4(b)(b).	Payment of invoices is frequently delayed, due to problems with disbursement of funds to PEs from the national budget.	Yes	When developing contract management module in e-portal, explore how linkages with Financial Management Information System can be improved to facilitate invoice payment.
<p>(d) Contract amendments are reviewed, issued, and published in a timely manner.*</p> <p>Recommended quantitative indicator</p>	Contract amendments are not published, since contract management is not included in the e-portal. It was not possible for the assessors to ascertain how far contract amendments are properly managed.	No data available	Not possible to ascertain.		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
to substantiate assessment criterion (d): contract amendments (in % of total number of contracts; average increase of contract value in %)					
(e) Procurement statistics are available, and a system is in place to measure and improve procurement practices.	No statistics relating to contract management are available, monitored, or measured with a view to improving practice.	N/A	No statistics relating to contract management are available, monitored, or measured with a view to improving practice.		When updating the e-portal functionality to include contract management, ensure that reports are included.
(f) Opportunities for direct involvement of relevant external stakeholders in public procurement are utilized.* Recommended quantitative indicator to substantiate assessment criterion (f): percentage of contracts with direct involvement of civil society: planning phase; bid/proposal opening; evaluation and contract award, as permitted; contract implementation)	The legal framework does not include the possibility for active involvement of external stakeholders and civil society in the public procurement process	N/A	N/A		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
Source for all: Sample of procurement cases.					
(g) The records are complete and accurate, and easily accessible in a single file. * <i>// Minimum indicator //</i> <i>* Quantitative indicators to substantiate assessment of sub-indicator 9(c)</i> <i>Assessment criterion (g):</i> <i>- share of contracts with complete and accurate records and databases (in %) Source: Sample of procurement cases*</i>	Contracts and contract management documents are not currently included in the e-portal, which means that records are fragmented. However, implementation of this functionality is planned in the near future.	No contracts have complete records in a single file, since contracts and contract management documentation are not currently included in the e-portal.	Procurement records and files are fragmented since the e-portal does not include contracts and contract management documentation.		Implement plans to include contract management functionality in the e-portal.

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10. THE PUBLIC PROCUREMENT MARKET IS FULLY FUNCTIONAL

10(a). Dialogue and partnerships between public and private sector

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>(a) The government encourages open dialogue with the private sector. Several established and formal mechanisms are available for open dialogue through associations or other means, including a transparent and consultative process when formulating changes to the public procurement system. The dialogue follows the applicable ethics and integrity rules of the government.*</p> <p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 10(a) Assessment criterion (a): - perception of openness and effectiveness in engaging with the</p>	<p>The business community report that there have been various roundtables with government bodies to discuss issues relating to public procurement. However, over the last year this has not happened due to COVID-19.</p>	<p>No survey conducted</p>	<p>No gap</p>		<p>Schedule regular consultations with the business community.</p>

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private sector (in % of responses). Source: Survey.			
(b) The government has programs to help build capacity among private companies, including for small businesses and training to help new entries into the public procurement marketplace.	The MoF training center conducted a one-day training course for suppliers in 2019 with 93 participants, but there are not regular trainings scheduled for the supplier community. Suppliers can also attend the five-day basic course designed for procurement specialists (see sub-indicator 8(a)(d), however representatives of SMEs reported that this is too expensive for them. An online training course for suppliers and contractors was developed in 2016. However, this is outdated due to the various amendments to the legal framework over the last five years.	There is no regular capacity building for suppliers on participating in public procurement. Those options that do exist are too expensive for SMEs and the online training course is out of date.	Update the online training course for suppliers and contractors.

10(b). Private sector's organization and access to the public procurement market

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The private sector is competitive, well-organized, and willing and able to participate in the competition for public procurement contracts.* * Recommended quantitative indicator to substantiate assessment of sub-indicator 10(b) Assessment criterion (a):	Representatives of the business community reported that many suppliers are reluctant to participate in public procurement due to long and complex bidding processes and late payments, as well as the perception that bids are rigged.	There are almost 30,000 suppliers registered in the e-portal. In the Kyrgyz Republic, there are 700,000 companies registered. Not all companies that are registered to do business in the KR are types of businesses that would meet the needs of the public	Many suppliers are reluctant to participate in public procurement.		Dialogue with business associations and develop action plan to improve perceptions and address constraints.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<ul style="list-style-type: none"> • number of registered suppliers as a share of total number of suppliers in the country (in %) • share of registered suppliers that are participants and awarded contracts (in % of total number of registered suppliers) • total number and value of contracts awarded to domestic/foreign firms (and in % of total) Source: E-Procurement system/Supplier Database.		procurement system requirements. 4% of the companies registered in the KR are registered in the e-portal. In 2020, the value of public procurement from domestic suppliers was KGS 17.6 billion, which is 36.5% of the total.			
(b) There are no major systemic constraints inhibiting private sector access to the public procurement market. * Recommended quantitative indicator to substantiate assessment of sub-indicator 10(b) Assessment criterion (b): - perception of firms on the appropriateness of	There are several constraints that prevent suppliers from participating in public procurement: Overly complex procedures for low value procurements; Perceptions that bids are rigged; and Delays in payments.	No survey conducted.	There are several constraints that prevent suppliers from participating in public procurement: Overly complex procedures for low value procurements; Perceptions that bids are rigged; and Delays in payments.		Ditto

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
conditions in the public procurement market (in % of responses). Source: Survey.					

10(c). Key sectors and sector strategies

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Key sectors associated with the public procurement market are identified by the government.	It is not currently the practice to analyze the public procurement market in terms of key sectors.	N/A	Key sectors associated with the public procurement market have not currently been identified.		When developing a strategy for centralized/ collaborative procurement, consider identifying key sectors.
(b) Risks associated with certain sectors and opportunities to influence sector markets are assessed by the government, and sector market participants are engaged in support of procurement policy objectives.	It is not currently the practice to assess risks associated with key sectors and to develop sector strategies.	N/A	Risks associated with certain sectors and opportunities to influence sector markets are not currently assessed by the government and sector strategies are not developed.		As above.

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Pillar IV. Accountability, Integrity and Transparency of the Public Procurement System

II. TRANSPARENCY AND CIVIL SOCIETY ENGAGEMENT FOSTER INTEGRITY IN PUBLIC PROCUREMENT

II(a). Enabling environment for public consultation and monitoring

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) A transparent and consultative process is followed when formulating changes to the public procurement system.	The Law of Kyrgyz Republic “On Normative and Legal Acts” dated July 20, 2009 No.241 establishes requirements for public discussion of draft normative and legal acts. Practice shows that the provisions are ineffective and do not ensure the actual participation of citizens in the legislative process. Under the umbrella of the Open Government Partnership Action Plan, activities are ongoing with the goal of improving the actual participation of citizens in the legislative process and developing a unified portal for all drafted normative acts that will allow citizens to contribute. Through the Open Government Partnership Forum, there is consultation and dialogue between state bodies and other stakeholders relating to transparency and this includes relating to public procurement. The Public Procurement Department does not however proactively consult with or seek input from civil society or other stakeholders when formulating changes to the system.	N/A	It is not the practice to undertake a transparent and consultative process when formulating changes to the public procurement system		Form a Transparency and Accountability Forum with representatives from civil society, which should meet regularly to engage and consult on planned changes and other relevant information relating to the public procurement system.
(b) Programs are in place to build the capacity of relevant stakeholders to understand, monitor and improve public procurement.	The DPP does not conduct capacity building activities for stakeholders, and the Ministry of Economy and Finance Training Centre conducts training for public officials and the business community, but not for civil society representatives. Other organizations do conduct training. The Asian Institute for Corruption and Money Laundering conduct	N/A	Activities to develop the capacity of relevant stakeholders to understand, monitor, and improve public procurement are fragmented, ad hoc, and limited.		The DPP should engage with relevant stakeholders (see above) to implement mechanisms to develop the capacity

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	training on monitoring public procurement and have trained approx. 30 students from both civil society and the state. Transparency International have been conducting training on monitoring transparency and accountability in the regions for several years.				of relevant stakeholders.
(c) There is ample evidence that the government takes into account the input, comments, and feedback received from civil society.	Although the government does not proactively seek input from civil society relating to changes, there is evidence that it does take input and comments received into account. For example, following on from findings in the Transparent Public Procurement Rating Assessment from 2018 that found weaknesses relating to access to information on contracts, the government is now in the process of passing amendments to include these aspects in the PPL and have plans to develop the e-portal to include this information.	N/A	No gap		Be more proactive in seeking input, comments, and feedback (see above).

11(b). Adequate and timely access to information by the public

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Requirements in combination with actual practices ensure that all stakeholders have adequate and timely access to information as a precondition for effective participation.	<ul style="list-style-type: none"> The laws, regulations and policies governing public procurement are published on the e-portal and are easily and freely accessible to the public. The procurement process is conducted within the e-portal, and all information (with the exception of confidential information protected by law) is freely available to the public with the exception of information regarding contracts. Reforms are currently in process to also 	N/A	Contract information is currently not available, however legal amendments are currently in process and plans are underway to develop the necessary functionality in the e-portal. Not all data is machine-readable.		Implement functionality for all data to be machine readable.

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	<p>include information on contracts in the portal.</p> <ul style="list-style-type: none"> Free access to this information is provided on the centralized online portal. However not all data is currently machine-readable (e.g., reports of complaints and similar). 				

11(c). Direct engagement of civil society

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The legal/regulatory and policy framework allows citizens to participate in the following phases of a procurement process, as appropriate: <ul style="list-style-type: none"> the planning phase (consultation) bid/proposal opening (observation) evaluation and contract award (observation), when appropriate, according to local law contract management and 	<p>According to the legal/regulatory/policy framework:</p> <ul style="list-style-type: none"> There is no provision for citizens to participate through consultations in procurement planning. According to the law, with physical bid openings, attendance is not restricted. For procurement conducted on the e-portal, the opening happens online and is publicly accessible. Until recently, citizen observers in the evaluation and contract award process were not permitted. However, under an amendment to the PPL from December 2020 (Article 10 para 3), a Tender Committee shall be created for each solicitation and shall consist of representatives of the procuring entity as well as may include representatives of community-based organizations. Citizen monitoring of contract management and completion is not included. 	N/A	<p>A recent (Dec. 2020) amendment to the PPL allows for inclusion of representatives from community-based organizations in tender committee. The legal/regulatory/policy framework does not include provisions for the direct engagement of civil society in other aspects of the procurement process.</p>		<p>Develop and issues procedures to Procuring Entities on including representatives from community-based organizations in Tender Committees.</p> <p>Consider the possibility of including provisions for the government to consult the public in the planning process, e.g., prior to large-scale or environmentally or socially sensitive procurements; and in the monitoring of performance and contract completion, for example through</p>

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
completion (monitoring).	Representatives of the public make up one-third of the members of the Independent Complaints Commission (see Indicator 13b).				the application of innovative techniques such as geotagging or in the context of social audits.
(b) There is ample evidence for direct participation of citizens in procurement processes through consultation, observation, and monitoring.	Such provisions do not exist (see above).	N/A	See above.		See above.

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12. THE COUNTRY HAS EFFECTIVE CONTROL AUDIT SYSTEMS

12(a). Legal framework, organization, and procedures of the control system
The system in the country provides for:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) laws and regulations that establish a comprehensive control framework, including internal controls, internal audits, external audits, and oversight by legal bodies	<p>The Law of the Kyrgyz Republic “Budgetary Code” Chapter 23 covers internal control and audit. It mandates that each budgetary institution develops its own system of internal control. Regulation of The Ministry of Economy and Finance “On Accounting and Financial Policy” Chapter 3 defines the requirements of the internal control system including separation of functional responsibilities; permission to conclude, agree and register business contracts, as well as documentary control, payment of suppliers (Chapter 8 para 3).</p> <p>Law No. 25 of the Kyrgyz Republic “On Internal Audit,” governs implementation of internal audit of state bodies and organizations and establishes the principles and bases of its creation and function. This is supported by the internal audit standards of the Kyrgyz Republic approved by the Government Decree No. 296 of the Kyrgyz Republic as of June 3, 2014, the Ethical Standards of Internal Auditors of State Bodies and Institutions of the Kyrgyz Republic approved by the Government Decree No. 721 of the Kyrgyz Republic as of 31 December 2013, and the Guidelines for Internal Audit.</p> <p>Law No. 117 of the Kyrgyz Republic “On the Accounts Chamber” defines the status, objectives, principles, functions, powers, rights, and responsibilities of the Accounts Chamber, which is the Supreme Audit Institution of the Kyrgyz Republic. Accounts Chamber “Guide</p>	N/A	No gap		

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	<p>to Auditing Public Procurement” approved by a resolution of the Chamber of the Kyrgyz Republic provides detailed guidelines to conduct procurement audits.</p> <p>The Chamber of Accounts is required to submit a report to the President and Parliament on an annual basis.</p>				
(b) internal control/audit mechanisms and functions that ensure appropriate oversight of procurement, including reporting to management on compliance, effectiveness, and efficiency of procurement operations	The laws and regulations relating to internal control and internal audit do not specifically mention procurement operations as an area of focus. The Annual Report (2019) of the State Authorized Body for Internal Audit likewise does not include procurement operations as a particular focus area.	N/A	Internal control and audit mechanisms do not specifically focus on oversight of procurement, including reporting on compliance, effectiveness, and efficiency of procurement operations.		DPP engages with the State Authorized body for Internal Audit to developing guidelines on internal control and audit mechanisms that ensure appropriate oversight of procurement, including reporting to management on compliance, effectiveness, and efficiency of procurement operations.
(c) internal control mechanisms that ensure a proper balance between timely and efficient decision-making and adequate risk mitigation	According to the Law of the KR “Budgetary Code”, each budgetary institution develops its own system of internal control. As such it was not possible for the assessors to determine whether internal control mechanisms meet these requirements.	N/A	Not possible to determine.		
(d) independent external audits provided by the country’s Supreme Audit Institution (SAI) that ensure	The Chamber of Accounts (the Supreme Audit Institution of the KR) conducts independent external audits based on an annual schedule. However, it does not conduct specific procurement audits, with the exception of ad	N/A	Oversight by the Chamber of Accounts of the procurement function is sporadic and not based on periodic risk assessments and	Yes	DPP should engage with the Chamber of Accounts with a view to establishing mechanisms to ensure

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Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
appropriate oversight of the procurement function based on periodic risk assessments and controls tailored to risk management	hoc audits of specific cases on the request of the President of Parliament. Guidelines and software have been developed to perform specific procurement audits through the e-procurement portal. However, this has not been implemented due to problems with the software. The Annual Report of the Chamber of Accounts on the Republican Budget includes an overview of the performance of the Internal Audit function and a very general overview of the procurement function.		controls tailored to risk management.		the appropriate oversight of the procurement function based on periodic risk assessments and controls tailored to risk management.
(e) review of audit reports provided by the SAI and determination of appropriate actions by the legislature (or other body responsible for public finance governance)	The Chamber of Accounts is required to submit an Annual Audit Report on the National Budget to the President and Parliament on an annual basis. These reports are also published on the website. However, the reports do not include detailed findings relating to the procurement function.	N/A	Due to the lack of detailed findings relating to the procurement function, it is not possible for the assessors to determine this.		
(f) clear mechanisms to ensure that there is follow-up on the respective findings	According to the Law "On the Accounts Chamber" The Accounts Chamber prepares a report on the audit and posts it on its official website within a week of its approval of the Board of Accounts (Article 50). The audit object is given 21 days to submit its response to the commentary on the proposed reports to the Accounts Chamber. The Accounts Chamber resolves the differences through negotiations, in the absence of agreement on the proposed report thisby going to court. The Accounts Chamber has the right to note controversial issues in the report when the audit report is published. (Article 53).	N/A	No gap		

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12(b). Coordination of controls and audits of public procurement

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There are written procedures that state requirements for internal controls, ideally in an internal control manual.	According to the Law of the Kyrgyz Republic "Budgetary Code," Chapter 23 covers the state internal control and audit. It mandates that each budgetary institution develops its own system of internal control. Regulation of The Ministry of Economy and Finance "On Accounting and Financial Policy" Chapter 3 defines the requirements of the internal control system including separation of functional responsibilities; permission to conclude, agree, and register business contracts, as well as documentary control and payment of suppliers (Chapter 8 para 3).	N/A	No gap		
(b) There are written standards and procedures (e.g., a manual) for conducting procurement audits (both on compliance and performance) to facilitate coordinated and mutually reinforcing auditing.	Auditing electronic public procurement through the e-portal requires a different approach to conducting an audit of public procurement compared to previously when it was conducted on paper. With support from EBRD, a methodology for auditing electronic public procurement was developed and supporting software developed. However, it was reported by the Chamber of Accounts that this has not been implemented because the software has not been functioning and they do not have the resources to have it fixed without external support.	N/A	Although guidelines exist to audit public procurement conducted through the web-portal, problems with the software means that it has not been implemented. At the same time, the traditional method of auditing paper-based procurement is no longer relevant.	Yes	Resources need to be mobilized to implement the procurement audit software.
(c) There is evidence that internal or external audits are carried out at least annually and that other established	Internal Audit: By the end of 2019, 30 state bodies (11 ministries, 2 state committees, 15 departments, and 2 local government bodies) have Internal Audit departments. According to the Law "On Internal Audit," the Authorized State Body for Internal Audit, a department in the Ministry of	Internal Audit: 24 out of 30 state bodies with internal audit units submitted internal audit reports.	Specialized procurement audits or procurement performance audits are not being conducted in a general way. Moreover, a significant number of state bodies are not routinely submitting		DPP should engage with the Chamber of Accounts and the State Authorized Body for Internal Audit to identify mechanisms to

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

<p>written standards are complied with.*</p> <p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 12(b) Assessment criterion (c): - number of specialized procurement audits carried out compared to total number of audits (in %). - share of procurement performance audits carried out (in % of total number of procurement audits). Source: Ministry of Economy and Finance/Supreme Audit Institution.</p>	<p>Economy and Finance should conduct internal audit for those state bodies that do not have their own Internal Audit Unit. According to the law, an annual Internal Audits Plan is developed on the basis of a risk assessment and approved by the head of the State Body. Internal Audit Units are required to report annually to the State Authorized Body for Internal Audit, which compiles the information into an annual report.</p> <p>Chamber of Accounts conducts external audits according to a schedule agreed annually.</p>	<p>Of these the level of implementation of the annual audit plan varied from 15% to 100%.</p> <p>Of those state bodies without internal audit units, no internal audits were conducted (source: Chamber of Accounts).</p> <p>External Audit: During 2019 137 out of the planned 141 audit activities were completed</p> <p>As far as the assessors have been able to determine, all these are all general audits. No information could be identified as to specialized procurement audits or procurement performance audits.</p>	<p>internal audit reports as required by law.</p>	<p>ensure that procurement audits are conducted.</p>
<p>(d) Clear and reliable reporting lines to relevant oversight bodies exist.</p>	<p>The Chamber of Accounts has cooperation agreements in place with various law enforcement agencies, including the Prosecutor's Office, the State Committee on National Security, the Ministry of Internal Affairs and the State Service for Combating Economic Crimes. The Annual Report of the Chamber of Accounts provides detailed information of the number of cases that have been referred to law enforcement agencies, including the number of</p>	<p>N/A</p>	<p>Generally clear and reliable reporting lines exist to law enforcement agencies. However, there are no reporting lines in place between the Chamber of Accounts and the DPP.</p>	<p>The DPP should instigate consultations with the Chamber of Accounts with a view to establishing a cooperation agreement.</p>

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

subsequent convictions. There is however no regular cooperation in place between the Chamber of Accounts and the DPP. Although the Chamber of Accounts could elaborate on a number of procurement related issues, they have not reported these to DPP.

12(c). Enforcement and follow-up on findings and recommendations

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>(a) Recommendations are responded to and implemented within the time frames established in the law.*</p> <p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 12(c) Assessment criterion (a): - Share of internal and external audit recommendations implemented within the time frames established in the law (in %). Source: Ministry of Economy and Finance/Supreme Audit Institution.</p>	<p>According to the Law “On the Accounts Chamber,” the Accounts Chamber prepares a report on the audit and posts it on its official website within a week of its approval of the Board of Accounts (Article 50). The audit object is given 21 days to submit its response to the commentary on the proposed reports to the Accounts Chamber. The Accounts Chamber resolves the differences through negotiations, in the absence of agreement on the proposed report thisby going to court. The Accounts Chamber has the right to note controversial issues in the report when the audit report is published. (Article 53).</p> <p>The Chamber of Accounts reports on the implementation of recommendations in its Annual Report.</p> <p>For Internal Audit, the annual report also provides data on the number of recommendations implemented.</p>	<p>External Audit: In 2019, 652 orders were sent and 122 recommendations as a result of audits. Of these, 31% were completely executed, 25% were partially executed, and 44% were not fulfilled.</p> <p>Internal Audit: In 2019, for the 24 State Bodies that reported on average 89.6% of recommendations had been adopted and implemented by the end of the year.</p>	<p>A significant number of orders and recommendations resulting from audit findings are not implemented.</p>		<p>The DPP should instigate consultations with the Chamber of Accounts in order to identify areas where audit findings can provide input into improvements in the public procurement system.</p>

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

(b) There are systems in place to follow up on the implementation/enforcement of the audit recommendations.		
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12(d). Qualification and training to conduct procurement audits

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There is an established program to train internal and external auditors to ensure that they are qualified to conduct high-quality procurement audits, including performance audits.* * Recommended quantitative indicator to substantiate assessment of sub-	According to the Chamber of Accounts, external auditors have attended the five-day procurement certification course under the Ministry of Economy and Finance Training Centre. In addition, they have received training in World Bank and Asian Development Bank procedures, as well as training by EBRD on the guidelines for conducting procurement audits using the software that has been developed, but not implemented. The assessors were not able to determine the proportion of internal auditors (if any) that have received this training.	It has not been possible for the assessors to obtain this information.	It has not been possible for the assessors to determine the capacity of auditors to conduct high quality procurement audits, including performance audits.		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>indicator 12(d) Assessment criterion (a):</p> <ul style="list-style-type: none"> - number of training courses conducted to train internal and external auditors in public procurement audits. <p>Source: Ministry of Economy and Finance/Supreme Audit Institution.</p> <p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 12(d) Assessment criterion (a):</p> <ul style="list-style-type: none"> - share of auditors trained in public procurement (as % of total number of auditors). <p>Source: Ministry of Economy and Finance/Supreme Audit Institution.</p>					
<p>(b) The selection of auditors requires that they have adequate knowledge of the subject as a condition for carrying out</p>	<p>The Law on Internal Audit and the Law on the Chamber of Accounts specify the requirements for selection of auditors; however, procurement knowledge is not mentioned. It was not possible for the assessors to determine the level of procurement knowledge required in practice.</p>	N/A	Not possible to determine.		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
procurement audits; if auditors lack procurement knowledge, they are routinely supported by procurement specialists or consultants.					
(c) Auditors are selected in a fair and transparent way and are fully independent.	According to the Law on Internal Audit and the Law on the Chamber of Accounts, the selection of auditors should be fair and transparent, and the function should be fully independent. It was not possible for the assessors to determine how much this is the case in practice.	N/A	Not possible to determine.		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

13. PROCUREMENT APPEALS MECHANISMS ARE EFFECTIVE AND EFFICIENT

13(a). Process for challenges and appeals

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Decisions are rendered on the basis of available evidence submitted by the parties.	The Independent Complaints Commission (ICC) reviews documentation relating to complaints prior to making a decision. This includes documentation submitted by the complainant as well as documentation provided by the procuring entity. With procurement being conducted in the e-Procurement portal, all documentation is readily available. Once a procurement complaint has been "accepted" for review by the ICC, the relevant procurement files are opened for the ICC members. If required, the ICC may also contact other parties such as specialists or experts for additional information.	N/A	No gap		
(b) The first review of the evidence is carried out by the entity specified in the law.	According to the Procurement Law (Article 49), the ICC is responsible for the first review of the evidence, and this is taking place in practice.	N/A	No gap		
(c) The body or authority (appeals body) in charge of reviewing decisions of the specified first review body issues final, enforceable decisions. *	According to the Procurement Law, the decision of the ICC is final unless it is appealed to arbitration or the general jurisdiction court (Article 49, 6). The Assessment Team was not able to find any data about the number of complaints that are appealed to arbitration or to court, however it reportedly is not something that happens regularly.	Number of appeals considered by the ICC: Sample month of September 2020: # of appeals received - 8 Total # of decisions of ICC - 81	Although the regulations state that the decision of the ICC is final, in practice they regularly review appeals on their own decisions. This is not compliant with the law and represents a conflict of interest.		Introduce a first level of challenge (complaints) to the Procuring Entity, prior to escalation for review by the Independent Review Body.
// Minimum indicator //					
* Quantitative indicator to substantiate assessment of sub-	In practice, appeals are submitted to the ICC on cases that have already been reviewed and decided by the ICC. The ICC considers these cases, although this eventuality is not	% of ICC decisions resulting in appeals - 10%			The Independent Review Body should desist from reviewing

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>indicator 13(a) Assessment criterion (c): - number of appeals. Source: Appeals body.</p> <p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 13(a) Assessment criterion (c): number (and percentage) of enforced decisions. Source: Appeals body.</p>	<p>foreseen in the Regulations. In some cases, the ICC overturn their original decision based on the new evidence. For example, during the month of September 2020 (a representative sample), eight appeals were received.</p>	<p># of appeals considered justified – 3</p> <p>Of the eight appeals, five were from procuring entities, of which three were considered justified and two not justified. All three received from suppliers were deemed not justified</p>			<p>appeals on its own decisions.</p>
<p>(d) The timeframes specified for the submission and review of challenges and for appeals and issuing of decisions do not unduly delay the procurement process or make an appeal unrealistic.</p>	<p>According to the PPL, challenges can be submitted at any stage of the procurement process except during weekends and public holidays. This has the potential to unduly disrupt and delay the procurement process.</p> <p>According to Regulations governing the work of the ICC:</p> <p>On receipt of complaint, the ICC must check whether the complaint submission is compliant within two working days. If not, it is rejected.</p> <p>If accepted for consideration, the procurement procedures are suspended for ten days.</p> <p>If it is necessary to request additional documentation or advice, the Commission must make a final decision within five days of receiving the necessary advice/ documentation. Regardless of the way the</p>	<p>N/A</p>	<p>Challenges can be submitted at any stage of the procurement process which has the potential to disrupt and delay the process.</p>		<p>Introduce a mandatory standstill period. Amend the timeframe for submission of challenges to:</p> <p>When relating to solicitation, pre-qualification of pre-selection, prior to the deadline for submissions.</p> <p>Other, during the standstill period, or entry into force of the contract.</p>

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	<p>complaint and the protest are dealt with, the Commission, within seven working days of the complaint, must make a written reasoned decision and place a protocol on the portal (Regulations para 61).</p> <p>According to the World Bank's "Benchmarking Public Procurement," the average legal time limit to reach a decision on a complaint in the countries benchmarked was 13 days. In this context, the Kyrgyz Republic benchmarks favorably.</p>				

13(b). Independence and capacity of the appeals body
The appeals body:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) is not involved in any capacity in procurement transactions or in the process leading to contract award decisions	<p>According to the Law (Article 49, 1) the ICC shall be "composed of the representatives of public society, experts, lawyers, and certified specialists in the field of public procurement."</p> <p>According to the regulations: "The Commission consists of three groups, comprising members of the public and certified public procurement professionals, and should not exceed fifteen: 1) One third are legal professionals; 2) One third are public service or municipal service officials, as well as experts and certified public procurement professionals; 3) One third are members of the public."</p> <p>Regulations para 24 further state: A member of the Commission should not allow conflicts of interest to arise in the handling of</p>	N/A	One-third of the ICC are "public service or municipal service officials, as well as experts and certified public procurement professionals." Certified public procurement professionals are mainly those working in conducting procurement in a procuring entity. According to international good practice, they should not be part of the appeals body as they compromise its independence and perception of impartiality.	Yes	The composition of the ICC needs to be changed to exclude the possibility of members who are in any capacity involved in or potentially involved in procurement and contracting processes.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	complaints, protests and appeals, and may not fulfil his duties in a particular meeting, in the following cases if: 1) is affiliated with parties to a complaint, protest or appeal; 2) For the previous two years, he was an employee of a procuring organization or an employee of a supplier 'contractor' organization who has either received a complaint, protest or appeal; 3) provided advice to the purchasing organization during the competition process or assisted the supplier (contractor) in the preparation of the tender application.				
(b) does not charge fees that inhibit access by concerned parties	The Law (Section 1, Article 6,10) and Regulations (para 27) allow for fees to be charged for complaint submission: "Complaints and administrative complaints are filed by suppliers (contractors) on a fee basis." While this has not been implemented to date, the DPP are planning to introduce this as a strategy to reduce the number of unfounded complaints and to provide funds for the work of the ICC.	N/A	There is a plan to introduce a fee for submitting a complaint. Ease and transparency in submitting complaints has been a conscious strategy in the system to promote trust. However, there are challenges relating to the high number of complaints received and the resulting workload for ICC members who are pro-bono. Introducing a fee could be part of a solution to resolve these challenges, but it needs to be balanced against the desire to promote trust and not inhibit parties from submitting complaints.	Yes	The business plan and mechanism for fees for submitting complaints needs to be developed in consultation with the business community and set at a level that does not inhibit genuine complaints.
(c) follows procedures for submission and resolution of complaints that are clearly defined and publicly available	The procedures for submission and resolution of complaints are described in detail in the regulations that are publicly available. All complaints are submitted, considered, and processed through the e-portal, so the process is guided by the software. All documentation relating to the complaints process is accessible by the public. Moreover, the e-portal has a "FAQ" section	According to the law, complaints should be resolved within seven working days. Sample month of September 2020:	See (e) below		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<i>// Minimum indicator //</i> <i>* Quantitative indicator to substantiate assessment of sub-indicator 13(b)</i> <i>Assessment criterion (c):</i> <i>- appeals resolved within the time frame specified in the law/exceeding this time frame/unresolved (Total number and in %).</i> <i>Source: Appeals body.</i>	<p>that explains several issues relating to Complaints including “how can I file a complaint?,” “At what stage is a complaint filed?” and many more.</p> <p>http://zakupki.gov.kg/popp/view/services/faq_new.xhtml</p>	<p>Average response time - 6.19 working days</p> <p>69% of complaints were responded to within 7 days or less.</p> <p>24% between 8 and 10 days</p> <p>8% between 11-12 days.</p> <p>Four pending cases had been in process for 11-13 days at the time of analysis.</p>			
(d) exercises its legal authority to suspend procurement proceedings and impose remedies	<p>The ICC may apply the following remedies (procurement law Article 49)</p> <ol style="list-style-type: none"> 1) veto the illegitimate actions, or illegitimate decisions, or performance of illegitimate procedures by procuring entity; 2) fully or partially cancel the illegitimate decision of procuring entity; 3) cancel decision of procuring entity, if such decision violates conditions of the bidding procedure; and 4) make a decision on termination of the procurement procedures. <p>The review of all decisions taken by the ICC during the sample month of September 2020 reveals that the full range of possible remedies were applied by the ICC in an appropriate manner.</p> <p>The DPP monitor to check that the Procuring Entity adheres to these remedies.</p>	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(e) issues decisions within the time frame specified in the law/regulations*	In practice, the majority of complaints are dealt with within the stipulated timeframes, however a significant minority are not, and in some cases mean that the decision is not communicated until after the 10-day suspension period has expired. According to the regulations (para 63), if the procurement organization enters into a public procurement contract after the ten-day suspension period of the procurement procedure expires and before the Commission has made its decision, the judicial appeal procedure is applied in accordance with Article 50 of the Act. The consequences of not reaching a decision within the time limits are significant.	N/A	A significant minority of complaints are not resolved within the seven working day time limit. In some cases, the decision is not communicated until after the ten-day standstill period has expired, with the risk that any remedies applied by the ICC may not be implemented and the case can only be resolved by resorting to arbitration or the court. This significantly undermines the rights of a complainant.	Yes	Other measures proposed to 1) reduce times spent on unfounded complaints and 2) improve the conditions of service and composition of ICC should improve the capacity to manage the process in a timely way.
(f) issues decisions that are binding on all parties	According to the Procurement Law, the decision of the ICC is binding unless it is appealed to arbitration or the general jurisdiction court (Article 49, 6).	N/A	No gap		
(g) is adequately resourced and staffed to fulfil its functions.	The composition and manner of selection of the members of ICC are specified in the regulations (para 8). The ICC should not exceed 15 members, of which five should be from each from three categories: 1) legal professionals; 2) public service or municipal service officials, as well as experts and certified public procurement professionals; and 3) members of the public. However, currently there are eight members, of which only two are members of the public. As such, there is an overrepresentation of members that are not independent, which undermines the (perception of) independence of the ICC. Efforts are underway to recruit new members; however, it is reportedly a long process and difficult to recruit qualified candidates, particularly from civil society.	N/A	There are insufficient members of the ICC and there is an under-representation of independent (civil society) representatives.	Yes	The composition and conditions of service for members of the ICC needs to be reviewed in order to ensure its independence and impartiality and the effective fulfilment of its functions.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	One reason for this is that the position is pro-bono. One member reported that consideration of each case took around two hours. Considering that on average close to four complaints are reviewed per day by the ICC, supposing the ICC was fully manned, this would require a time-commitment of close to seven hours per week – without pay. Moreover, allegedly there has been at least one case where a member of the ICC was investigated by the law enforcement agencies due to their work on the ICC. This was reported to the assessment team by several different stakeholders as being a reason that it is difficult to find representatives to serve on the ICC, so regardless of the actual circumstances, it is clearly a widespread perception that influences the recruitment.				

13(c). Decisions of the appeals body

Procedures governing the decision-making process of the appeals body provide that decisions are:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) based on information relevant to the case.	Decisions are made based on the documentation provided by the complainant and the procurement case file. The decisions and the reasons are included in the decision protocol, which is fully accessible to the public.	N/A	No gap		
(b) balanced and unbiased in consideration of the relevant information.*	The perception expressed to assessors by representatives of the business community is that the complaints system is not efficient and reliable because of the structure of the ICC, the lack of balance in the representation of	No survey made.	The perception expressed to assessors by representatives of the business community is that the complaints system is not efficient because of the structure of the		See 13(b)(g).

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
Recommended quantitative indicator to substantiate assessment of sub-indicator 13(c) Assessment criterion (b): - share of suppliers that perceive the challenge and appeals system as trustworthy (in % of responses). Source: Survey. - share of suppliers that perceive appeals decisions as consistent (in % of responses). Source: Survey.	the commissioners, and perceived lack of motivation of the commissioners.		ICC, the lack of balance in the representation of the commissioners, and perceived lack of motivation of the commissioners.		
(c) result in remedies, if required, that are necessary to correcting the implementation of the process or procedures.* * Recommended quantitative indicator to substantiate assessment of sub-indicator 13(c) Assessment criterion (c): - outcome of appeals (dismissed; decision in favor of procuring entity;	The decision protocol for each complaint specifies the remedy applied and the reason. This is published on the portal.	For the sample month of September 2020, of those complaints accepted for review: Decisions in favor of the procuring entity: 43% Decisions in favor of applicant: 57% (Note: 58% of complaints submitted are rejected for not meeting the basic requirements e.g., documentation).	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
decision in favor of applicant) (in %). Source: Appeals body.					
(d) decisions are published on the centralized government online portal within specified timelines and as stipulated in the law.*	All decisions of the ICC are published whenever they are made.	See 13(b)(c).	No gap		
<i>// Minimum indicator //</i> <i>*Quantitative indicator</i> <i>to substantiate</i> <i>assessment of sub-</i> <i>indicator 13(c)</i> <i>Assessment criterion (d):</i> <i>- share of appeals</i> <i>decisions posted on a</i> <i>central online platform</i> <i>within timelines specified</i> <i>in the law (in %). Source:</i> <i>Centralized online</i> <i>portal.*</i>					

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

14. THE COUNTRY HAS ETHICS AND ANTICORRUPTION MEASURES IN PLACE

14(a). Legal definition of prohibited practices, conflict of interest, and associated responsibilities, accountabilities, and penalties:
The legal/regulatory framework provides for the following:

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) definitions of fraud, corruption, and other prohibited practices in procurement, consistent with obligations deriving from legally binding international anti-corruption agreements	Definitions of corruption and other prohibited practice are included in the Law on Countering Corruption and the Criminal Code. According to the Istanbul Anti-Corruption Action Plan Monitoring Report, a number of these definitions fall short of international standards OECD-ACN-Kyrgyzstan-4th-Round-Monitoring-Report-2018-ENG.pdf .	N/A	Some definitions fall short of international standards.		Issues relating to the definitions of these concepts are being addressed through the Istanbul Anti-Corruption Action Plan Monitoring Process.
(b) definitions of the individual responsibilities, accountability, and penalties for government employees and private firms or individuals found guilty of fraud, corruption, or other prohibited practices in procurement, without prejudice of other provisions in the criminal law	Definitions of these concepts are included in the Law on Countering Corruption and the Criminal Code. According to the Istanbul Anti-Corruption Action Plan Monitoring Report, a number of these definitions fall short of international standards OECD-ACN-Kyrgyzstan-4th-Round-Monitoring-Report-2018-ENG.pdf .	N/A	Some definitions fall short of international standards.		Issues relating to the definitions of these concepts are being addressed through the Istanbul Anti-Corruption Action Plan Monitoring Process.
(c) definitions and provisions concerning conflict of interest, including a cooling-off period	Definitions and provisions relating to conflict of interest are included in the Law on Conflict of Interest (Dec 2017) Definitions of conflict of interest are not fully compliant with	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
for former public officials	<p>international standards as it does not cover apparent conflict of interests.</p> <p>Definitions and provisions relating to conflict of interest relating to procurement are included in the Law on Public Procurement.</p> <p>The Law on Public Procurement specifies a cooling-off period of two years for former public officials.</p>				

I4(b). Provisions on prohibited practices in procurement documents

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) The legal/regulatory framework specifies this mandatory requirement and gives precise instructions on how to incorporate the matter in procurement and contract documents.	The procurement law and the regulations do not include any requirements for procuring agencies to include references on fraud, corruption, and other prohibited practices, conflict of interest, and unethical behavior in procurement documents. There is no legal requirement for bidders to issue a self-declaration assuring that the bidder has not engaged in any prohibited practices and has not been prosecuted or convicted of fraud,	N/A	The legal/regulatory framework does not specify requirements and instruction for incorporating provisions relating to prohibited practices in procurement and contract documents.		Update the Procurement Law and/or regulations to make it mandatory for procuring entities to include references on fraud, corruption, and other prohibited practices, conflict of interest, and unethical behavior and for bidders to issue a self-declaration assuring that the bidder has not engaged in any prohibited practices and has not been prosecuted or convicted of fraud, corruption, or other prohibited practices.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
	corruption, or other prohibited practices.				
(b) Procurement and contract documents include provisions on fraud, corruption, and other prohibited practices, as specified in the legal/regulatory framework.	Standard Bidding Documents include a statement that bidders should not be involved in prohibited practices.	N/A	Standard Bidding Documents include a statement that bidders should not be involved in prohibited practices. However, there is no requirement to complete a self-declaration other than they have no conflict of interest and are not included in the database of unreliable (unscrupulous) suppliers.		Include a requirement for bidders to sign a declaration that they are not engaged in any prohibited practices and have not been prosecuted or convicted of fraud, corruption, or other prohibited practices.

14(c). Effective sanctions and enforcement systems

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) Procuring entities are required to report allegations of fraud, corruption, and other prohibited practices to law enforcement authorities, and there is a clear procedure in place for doing this.	The Law on Combating Corruption includes provisions that civil servants and municipal employees must report allegations of prohibited practices in writing to law enforcement agencies. Failure to do so is considered an offence. However, there is no clear procedure for doing this.	N/A	There are no clear procedures for procuring entities to report allegations of fraud, corruption, and other prohibited practices to law enforcement authorities.		Develop procedures for procuring entities to report allegations of fraud, corruption, and other prohibited practices to law enforcement authorities.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(b) There is evidence that this system is systematically applied, and reports are consistently followed up by law enforcement authorities.	The assessors were unable to find evidence as to the extent that allegations are reported and the level of follow up.	N/A	Not possible to determine.		
(c) There is a system for suspension/debarment that ensures due process and is consistently applied.	The system for suspension and debarment of suppliers is included in the Law on Public Procurement and a regulation. Procuring entities submit requests to include suppliers in the Database of Unreliable (Unscrupulous) Suppliers to the Independent Complaints Commission (ICC) (see Indicator 13). The ICC follows detailed procedures included in the regulations to review applications and include suppliers in the database.	N/A	No gap		
(d) There is evidence that the laws on fraud, corruption and other prohibited practices are being enforced in the country by application of stated penalties. * * Recommended quantitative indicator to substantiate assessment of sub-indicator 14(c) Assessment criterion (d): - Firms/individuals	The assessors were unable to determine how far penalties for procurement related activities are being enforced, with the exception of inclusion of suppliers in the Database for Unreliable (Unscrupulous) Suppliers (see above).	There are 81 suppliers listed in the Database of Unreliable (Unscrupulous) Suppliers.	Not possible to determine other than with regards to supplier suspension/debarment.		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>found guilty of fraud and corruption in procurement: number of firms/individuals prosecuted/convicted; prohibited from participation in future procurements (suspended/debarred). Source: Normative/regulatory function/anti-corruption body.</p> <p>- Government officials found guilty of fraud and corruption in public procurement: number of officials prosecuted/convicted. Source: Normative/regulatory function/anti-corruption body.</p> <p>- Gifts to secure public contracts: number of firms admitting to unethical practices, including making gifts in (in %). Source: Survey.</p>					

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

I4(d). Anti-corruption framework and integrity training

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>(a) The country has in place a comprehensive anti-corruption framework to prevent, detect, and penalize corruption in government that involves the appropriate agencies of government with a level of responsibility and capacity to enable its responsibilities to be carried out.*</p> <p>*Recommended quantitative indicator to substantiate assessment of sub-indicator I4(d) Assessment criterion (a): - percentage of favorable opinions by the public on the effectiveness of anti-corruption measures (in % of responses). Source: Survey.</p>	<p>A number of state bodies are involved in anti-corruption activities. These include the Security Council Working Group on Monitoring the Implementation of the State Anti-Corruption Strategy, the Secretariat of the Security Council, the Office of Government, and the Prosecutor General. Coordination meetings are held at the national level including relevant bodies, with similar coordination meetings in Oblasts and municipalities. There are also Commissioners for Preventing Corruption in a number of state bodies.</p>	<p>Information not available</p>	<p>According to Istanbul Anti-Corruption Action Plan Monitoring Report (OECD-ACN-Kyrgyzstan-4th-Round-Monitoring-Report-2018-ENG.pdf), their functions overlap in many respects, but it is difficult to coordinate properly. This results in it being impossible to ensure the necessary level of independence, allocation of resources, and specialization of these authorities in accordance with international standards and the organizational anti-corruption system being ineffective.</p>		<p>Recommendations relating to this are being followed up through the Istanbul Anti-Corruption Action Plan Monitoring process.</p>
<p>(b) As part of the anti-corruption framework, a mechanism is in</p>	<p>The e-portal includes a mechanism to identify “red flags.” However, the DPP lacks resources to monitor this adequately.</p>	<p>N/A</p>	<p>The e-portal includes a mechanism to identify “red flags.” However, the DPP lacks resources to monitor this adequately.</p>		<p>Address through Sub-Indicator 5(c).</p>

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
place and is used for systematically identifying corruption risks and for mitigating these risks in the public procurement cycle.					
(c) As part of the anti-corruption framework, statistics on corruption-related legal proceedings and convictions are compiled and reports are published annually.	The Assessors were unable to identify any statistics and reports on corruption-related legal proceedings and convictions.	N/A	Not possible to determine.		DPP should follow up with the relevant authorities to identify whether it is possible to publish statistics on procurement-related corruption legal proceedings and convictions.
(d) Special measures are in place for the detection and prevention of corruption associated with procurement.	The assessors did not identify any special measures to detect and prevent corruption associated with procurement.	N/A	Not possible to determine.		
(e) Special integrity training programs are offered, and the procurement workforce regularly participates in this training.	There are no special integrity training programs offered to the procurement workforce, and the five-day certification training for procurement specialists had no special module focused on integrity issues.	N/A	There is no special integrity training in place for procurement specialists.		Training modules on integrity for procurement specialists should be developed and included in the certification process.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

14(e). Stakeholder support to strengthen integrity in procurement

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There are strong and credible civil society organizations that exercise social audit and control.	There are only a small number of civil society organizations and activists that have procurement in their area of focus. The most active of these include the local chapter of Transparency International as well as the Open Government Forum (under the Open Government Partnership), which includes representatives both of state bodies, civil society, academia, and business. However, the implementation level of the Forum Action Plan for 2018-2020 has been weak – although implementation in the procurement area has been better than other areas. There is also at least one independent media agency (Kloop) that is active in investigating and publishing stories in this area. On reason for the low level of civil society engagement seems to be the difficulty for CSOs to mobilize resources for their work.	N/A	There are few CSOs operating in the area of procurement and/or social audit and control, however there are a few that are quite active.		Form a Transparency and Accountability Forum with representatives from civil society to create synergies relating to social audit and control in the procurement area. (See sub indicator 11a).
(b) There is an enabling environment for civil society organizations to have a meaningful role as third-party monitors, including clear channels for engagement and feedback that are promoted by the government.	There is evidence that the government wishes to promote engagement with and receive feedback from civil society. The Law on Public Councils (2014) establishes Public Councils in state bodies with representative of non-governmental organizations as a mechanism of public monitoring. However, the Report of the Istanbul Anti-Corruption Action Plan Monitoring Report suggests that the formalistic nature of the public councils limits their effectiveness and suggest that more active and open participation by civil society should be encouraged. The Open Government Forum would seem to represent open and active participation.	N/A	The government seems to be working toward a more active enabling environment for civil society engagement and feedback.		This area is being followed up through the Istanbul Anti-Corruption Action Plan Monitoring Process.

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
<p>(c) There is evidence that civil society contributes to shape and improve integrity of public procurement.*</p> <p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 14(e) Assessment criterion (c): - number of domestic CSOs (including national offices of international CSOs) actively providing oversight and social control in public procurement. Source: Survey/interviews.</p>	<p>As also mentioned under sub indicator 11(a)(c), there is evidence that in the procurement area, civil society does contribute to improved integrity in procurement, for example through the findings of the Transparency in Public Procurement Rating Assessment, and the Open Government Forum Action Plan, which have resulted in concrete reforms in the public procurement system.</p>	<p>Not possible to determine.</p>	<p>No gap</p>		
<p>(d) Suppliers and business associations actively support integrity and ethical behavior in public procurement, e.g., through internal compliance measures.*</p> <p>* Recommended quantitative indicator to substantiate</p>	<p>The KR Chamber of Commerce and Industry has initiated a “Business against corruption in Kyrgyzstan” charter among domestic businesses, where signatories commit to promoting entrepreneurship based on principles and rules that will contribute to combating and preventing corruption and strictly comply with them.</p>	<p>21 businesses associations and representatives of the banking sector have joined the charter.</p>	<p>No significant gap</p>		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
assessment of sub-indicator 14(e) Assessment criterion (d): - number of suppliers that have internal compliance measures in place (in %). Source: Supplier database.					

14(f). Secure mechanism for reporting prohibited practices or unethical behavior

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There are secure, accessible, and confidential channels for reporting cases of fraud, corruption, or other prohibited practices or unethical behavior.	The assessors asked a number of stakeholders (both public services employees and civil society representatives) about secure channels for reporting corruption offences, and none were able to provide information. It would seem that such channels do not exist in practice. Some CSO representatives reported that they receive “tips” from citizens.	N/A	Channels for reporting on cases of fraud, corruption, or other prohibited practices or unethical behavior do not exist or are not known.		Consider establishing a secure “hotline” within DPP for reporting of procurement related offences.
(b) There are legal provisions to protect whistle-blowers, and these are considered effective.	The Law on Protection of Persons Reporting Corruption Offences (2019) establishes the legal and organizational basis for protection of citizens reporting on corruption offences. The Law on Anti-Corruption states that information on a person assisting in the fight against corruption is a state secret and is presented only at the written request of the state authorities authorized to fight corruption, or the court.	N/A	The assessors were unable to determine how far these are effective. Based on the lack of safe channels to report offences, it would seem unlikely that many cases are reported in practice.		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(c) There is a functioning system that serves to follow up on disclosures.	It was not possible for the assessors to determine the extent of a system that follows up on disclosures.	N/A	Not possible to determine.		

14(g). Codes of conduct/codes of ethics and financial disclosure rules

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(a) There is a code of conduct or ethics for government officials, with particular provisions for those involved in public financial management, including procurement.*	There is a Code of Ethics for State and Municipal employees, however it does not have particular provisions for those involved in PFM and/or procurement.	Information not available	There is not a particular Code of Ethics for those working in procurement.		Prepare a Code of Ethics for all involved in the procurement process, including procurement specialists and members of evaluation committees.
<p>* Recommended quantitative indicator to substantiate assessment of sub-indicator 14(g) Assessment criterion (a):</p> <p>- share of procurement entities that have a mandatory code of conduct or ethics, with particular provisions for those involved in public financial management, including procurement (in % of</p>					

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
total number of procuring entities). Source: Normative/regulatory function.					
(b) The code defines accountability for decision making, and subjects decision makers to specific financial disclosure requirements. * * Recommended quantitative indicator to substantiate assessment of sub-indicator 14(g) Assessment criterion (b): - officials involved in public procurement that have filed financial disclosure forms (in % of total required by law). Source: Normative/regulatory function.	The code does not define accountability for decisions making. It refers to financial disclosure requirements, which are covered in detail in the regulation, on how to declare the income, expenses, liabilities, and property of public and municipal employees.	Information not available.	No gap		
(c) The code is mandatory, and the consequences of any failure to comply are administrative or criminal.	The Code applies to all state and municipal employees occupying administrative positions. Each state body is required to have an ethics committee that considers cases of employees failing to comply and make recommendations to the Head about applying disciplinary procedures.	N/A	No gap		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

Assessment criteria	Step 1: Qualitative analysis (comparison of actual situation vs. assessment criteria)	Step 2: Quantitative analysis	Step 3: Gap analysis / conclusions (describing any substantial gaps)	Potential red flag?	Initial input for recommendations
(d) Regular training programs are offered to ensure sustained awareness and implementation of measures.	Ethics Committees in State Bodies are responsible for conducting training on the Code. However, it was not possible to determine how far this happens in practice.	N/A	Not possible to determine.		Include ethics training as part of the certification training program for procurement specialists (see sub-indicators 14(d)).
(e) Conflict of interest statements, financial disclosure forms, and information on beneficial ownership are systematically filed, accessible, and utilized by decision makers to prevent corruption risks throughout the public procurement cycle.	It is only required to publish financial disclosure information; however, it was not possible to determine how systematic this process is or how complete the information published is.	N/A	Not possible to determine.		

[*Light grey fields: quantitative indicators; dark grey fields: minimum quantitative indicators]

APPENDIX 2: SOURCE DOCUMENTS

Procurement Law, Regulations, and Procedural Instructions

Public Procurement Law, amended thru March 2021
Decree, 4 July 2017, procurement related to national defense, security, secrecy protection, information security and disaster relief
Decree on documents of state importance/forms, 15 April 2019
Resolution on Hemodialysis Services, 29 Aug 2019
Approval of Financial thresholds, 19 April 2017
Order of the Ministry of Economy and Finance on the Method of lowering the price procedures, 22 Aug. 2017
Order of the Ministry of Economy and Finance on the application of Framework Agreements, 31 Dec. 2019
Methodological Instruction on applying benefits for internal suppliers, 31 Dec. 2019
Resolution, Special terms for companies with 50%+ Shares, 13 Sept. 2019
Resolution on the Department of Public Procurement, No.68, 3 Feb. 2014
Method Instruction on evaluation of bids, 31 Dec 2019, no. 150-II
Standard Bid Documentation One-stage Bidding, 31 December 2019
Standard Bid documentation Two Stage Bidding 31 December 2019
Standard Competition Documents Simplified Method, 31 December 2019
Standard Competition Documents for Consulting Services, 6 March 2020
Regulation on the Complaints and the Database of Unreliable suppliers
Regulation on the rules for electronic public procurement, 31 December 2019
Regulation on procurement through the electronic catalogue, 30 May 2019
Order on the launch of the e-procurement portal, 23 June 2014
Manual on Procurement Planning, 3 December 2018

Other Laws, Regulations, and Procedural Instructions and Related Reports

Law on Public-private partnership, 22 July 2019 No. 95
Budget Code of the Kyrgyz Republic
Regulation of the Ministry of Economy and Finance on Accounting and Financial Policy in the Government Administration Sector No. 143
Law on the State Civil Service and Municipal Service
Regulations on the procedure for holding a competition and career promotion in the state civil service.
Law on Normative and Legal Acts No.241, 30 July 2009
Law on Internal Audit No. 25
Decree on internal audit standards No.296, 3 June 2014
Decree on ethical standards of Internal Auditors of State Bodies and Institutions No. 721, 31 December 2013
Guidelines for Internal Audit
Law on the Accounts Chamber No.117
Resolution on Auditing Public Procurement
Annual Report of the State Authorized Body for Internal Audit, 2019
Annual Report of the Chamber of Accounts on the Republican Budget, 2019
Law on Countering Corruption
Criminal Code of the Kyrgyz Republic

Law on Conflict of Interest, December 2017
Law on Public Councils. 2014
Law on Protection of Persons Reporting Corruption Offences, 2019

Procurement Reports, Templates, Charts, and Other Similar Documents

Department of Public Procurement Reports 2011-2020
Organigram Ministry of Economy and Finance
Organigram Department of Public Procurement
Complaints flow chart
Curricula of procurement training programs conducted by Ministry of Economy and Finance
List of ongoing procurement related initiatives
Program for Improving and Increasing the Efficiency of Public Procurement of the Kyrgyz Republic for 2018-2022, 1 February 2018.

Articles, Research Papers, and Assessment Reports Pertaining to Procurement in Kyrgyz Republic

Guide to Public Procurement: Transparency International Kyrgyzstan 2017
Draft Corruption Risk in Public Procurement: Transparency International Kyrgyzstan 2020
National Integrity in Public Procurement: Transparency International Kyrgyzstan
Kyrgyz Republic Country Procurement Status Review, World Bank, 2012
Technical Assistance Consultant's Assessment Report Kyrgyz Republic, Asian Development Bank 2018.
Transparent Public Procurement Rating Kyrgyzstan Public Procurement Legislation Assessment, 2018
How data-savvy journalists in Kyrgyzstan are using open contracting to investigate corruption in public procurement: Open Government Partnership 2019
Anti-corruption Reforms in Kyrgyzstan, 4th Round Monitoring of the Istanbul Anti-Corruption Action Plan, OECD 2018
Open Government Forum Action Plan for 2018-2020

Country Context

The Kyrgyz Republic Strategic Assessment of the Economy, Asian Development Bank, 2014
COVID-19 in the Kyrgyz Republic: Socioeconomic and Vulnerability Impact Assessment and Policy Response, UNDP and ADB, 2020
Government of the Kyrgyz Republic (2018). National Development Strategy of the Kyrgyz Republic for 2018–2040. Retrieved from:
<https://policy.thinkbluedata.com/sites/default/files/National%20Development%20Strategy%20of%20the%20Kyrgyz%20Republic%20for%202018-2040%20%28EN%29.pdf>
Anti-government protests are currently raging in Bishkek, the capital of Kyrgyzstan (Ninara),
[https://commons.wikimedia.org/wiki/File:Bishkek,_Kyrgyzstan_\(43753021085\).jpg](https://commons.wikimedia.org/wiki/File:Bishkek,_Kyrgyzstan_(43753021085).jpg)
Voluntary National Review of the Implementation of the Sustainable Development Goals in the Kyrgyz Republic 2020 [26459VNR_2020_Kyrgyzstan_Report_English.pdf \(un.org\)](#)

Other

Benchmarking Public Procurement, World Bank, 2017
Corruption Perceptions Index, Transparency International, 2020
<https://www.transparency.org/en/cpi/2020/index/>